

WEDNESDAY, MAY 24, 1995

FORTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Steve Kirby, Nashville Road Church of Christ, Gallatin, Tennessee.

Representative Stamps led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

PERSONAL ORDERS

RECOGNITION

Rep. Stulce was recognized in the Well to introduce the 1994-1995 Soddy Daisy High School Varsity Cheerleaders. The Clerk read House Joint Resolution No. 273.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 126: Rep(s). Phelan, Bittle and Westmoreland as prime sponsor(s).

House Resolution No. 127: Rep(s). Bittle, Joyce, Westmoreland and Windle as prime sponsor(s).

House Joint Resolution No. 41: Rep(s). Shirley, Haley and Joyce as prime sponsor(s).

House Bill No. 6: Rep(s). Byrd as prime sponsor(s).

House Bill No. 72: Rep(s). Byrd as prime sponsor(s).

House Bill No. 128: Rep(s). Turner(Hamilton) as prime sponsor(s).

House Bill No. 186: Rep(s). Halteman Harwell, Arriola, Garrett, Pruitt, Jones S, West, Langster, Purcell and Robinson as prime sponsor(s).

House Bill No. 245: Rep(s). Bragg as prime sponsor(s).

House Bill No. 298: Rep(s). Byrd as prime sponsor(s).

House Bill No. 306: Rep(s). Roach, Hicks, Peach, Ford, Dunn, Boyer, Patton, McDaniel, Bittle, Whitson, Williams(Union), Gunnels and Burchett as prime sponsor(s).

House Bill No. 307: Rep(s). Byrd as prime sponsor(s).

House Bill No. 499: Rep(s). Byrd, Curtiss, Roach, Ridgeway, Cross and McDaniel as prime sponsor(s).

House Bill No. 596: Rep(s). Curtiss as prime sponsor(s).

House Bill No. 695: Rep(s). Byrd as prime sponsor(s).

House Bill No. 777: Rep(s). Sharp as prime sponsor(s).

House Bill No. 880: Rep(s). Windle and Cross as prime sponsor(s).

House Bill No. 890: Rep(s). Whitson and Byrd as prime sponsor(s).

House Bill No. 1048: Rep(s). Byrd as prime sponsor(s).

House Bill No. 1163: Rep(s). Kent as prime sponsor(s).

House Bill No. 1172: Rep(s). Davidson as first prime sponsor(s) and Rep(s) Windle as secondary sponsor(s).

House Bill No. 1195: Rep(s). Deberry J, Boyer, Langster, Ridgeway, Kisber, Cross, Burchett, Patton, Ford, Pruitt and Lewis as prime sponsor(s).

House Bill No. 1196: Rep(s). Byrd as prime sponsor(s).

House Bill No. 1298: Rep(s). Callicott and Fowlkes as prime sponsor(s).

House Bill No. 1416: Rep(s). Langster as prime sponsor(s).

House Bill No. 1752: Rep(s). Whitson, Duer and Byrd as prime sponsor(s).

House Bill No. 1762: Rep(s). Byrd and McKee as prime sponsor(s).

House Bill No. 1764: Rep(s). Byrd and McDaniel as prime sponsor(s).

House Bill No. 1778: Rep(s). McKee and Byrd as prime sponsor(s).

House Bill No. 1843: Rep(s). Venable and Langster as prime sponsor(s).

House Bill No. 1895: Rep(s). Byrd, McDonald, McDaniel, Head and Naifeh as prime sponsor(s).

**REPORT OF CHIEF ENGROSSING CLERK  
May 23, 1995**

The following bill(s) was/were transmitted to the Governor for his action: House Joint Resolution(s) No(s). 220, 234, 264, 265, 266, 267, 269, 270, 272, 273, 274, 275, 276, 279, 280, 282, 283, 284, 285, 286, 287, 288, 289, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 302, 303, 304, 305 and 306.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR  
May 23, 1995**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 97 and 149, with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR  
May 23, 1995**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 217, 270, 273 and 274, with his approval.

**HARDY MAYS, Counsel to the Governor.  
ENROLLED BILLS  
May 23, 1995**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 34, 171, 308, 339, 778, 927, 1180, 1234, 1492, 1560, 1765, 1770, 1777, 1782 and 1867.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
May 23, 1995**

The Speaker signed the following: House Bill(s) No(s). 34, 171, 308, 339, 778, 927, 1180, 1234, 1492, 1560, 1765, 1770, 1777, 1782 and 1867.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**  
**May 23, 1995**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 70, 108, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323 and 324; also, House Resolution(s) No(s). 107, 108, 109, 110, 111, 112, 113 and 114.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**May 23, 1995**

The Speaker signed the following: House Joint Resolution(s) No(s). 70, 108, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323 and 324; also, House Resolution(s) No(s). 107, 108, 109, 110, 111, 112, 113, 114.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 246, 247, 248, 249, 250, 251, 252, 254, 255, 256, 257, 260, 261, 262, 263, 264, 265 and 268; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 246** -- Memorials, Retirement -- Jim McNamee, track coach, Oak Ridge High School. by \*McNally.

**Senate Joint Resolution No. 247** -- Memorials, Retirement -- Margaret Gordon Taylor. by \*Kyle.

**Senate Joint Resolution No. 248** -- Memorials, Recognition and Thanks -- Reece Cole, Citizens Commission on Government Officials' Compensation. by \*Wildner, \*Kyle.

**Senate Joint Resolution No. 249** -- Memorials, Recognition and Thanks -- Milton E. Fletcher, Citizens Commission on Government Officials' Compensation. by \*Wildner, \*Kyle.

**Senate Joint Resolution No. 250** -- Memorials, Recognition and Thanks -- Steven Priddy, Citizens Commission on Government Officials' Compensation. by \*Wildner, \*Kyle.

**Senate Joint Resolution No. 251** -- Memorials, Recognition and Thanks -- Patricia Wright, Citizens Commission on Government Officials' Compensation. by \*Wildner, \*Kyle.

**Senate Joint Resolution No. 252** -- Memorials, Recognition and Thanks -- Bucky Kahl, Citizens Commission on Government Officials' Compensation. by \*Wildner, \*Kyle.



**Senate Joint Resolution No. 254** -- Naming and Designating --  
"Tennessee National Guard Week," July 4, 1995. by \*Rochelle,  
\*McNally, \*O'Brien, \*Rice.

**Senate Joint Resolution No. 255** -- Memorials, Interns --  
Fredrick Benard Booker. by \*Dixon.

**Senate Joint Resolution No. 256** -- Memorials, Interns -- Mary  
Ellen Coleman. by \*Womack.

**Senate Joint Resolution No. 257** -- Memorials, Interns -- John  
Hardin. by \*Womack.

**Senate Joint Resolution No. 260** -- Memorials, Retirement --  
Eleanor Drake Mitchell, Putnam County Board of Education. by \*Burks.

**Senate Joint Resolution No. 261** -- Memorials, Interns -- Janet  
Harris. by \*Burks.

**Senate Joint Resolution No. 262** -- Memorials, Interns -- Raegan  
Lynn Lambert. by \*Person.

**Senate Joint Resolution No. 263** -- Memorials, Interns -- Kevin  
Andrew Gallagher. by \*Person.

**Senate Joint Resolution No. 264** -- Memorials, Public Service --  
Anna Brown Alexander. by \*Haynes, \*Harper.

**Senate Joint Resolution No. 265** -- Memorials, Interns -- Roy J.  
Roberts. by \*Gilbert.

**Senate Joint Resolution No. 268** -- Memorials, Sports --  
Friendship Christian School softball team. by \*Rochelle.

#### INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed  
was/were introduced and referred to the appropriate Committee:

**\*House Resolution No. 141** -- General Assembly, Studies -  
Continues Special Legislative Task Force on Adolescent Development.  
by DeBerry L.

Health and Human Resources Committee

**House Joint Resolution No. 358** -- Naming and Designating --  
"Native American Indian Month," October. by \*Head.

Agriculture Committee

**House Joint Resolution No. 362** -- Naming and Designating --  
"Management Week," June 4-10, 1995. by \*Lewis.

Transportation Committee

**House Joint Resolution No. 363** -- General Assembly,  
Adjournment, Recess-Recesses general assembly on May 25, 1995, to

reconvene on June 20, 1995. by \*Purcell, \*Ridgeway, \*Rinks, \*Chumney, \*Hargrove, \*DeBerry L, \*Naifeh.

Held on Desk

#### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for May 24, 1995:

**House Resolution No. 129** -- Memorials, Interns -- Mary Suzanne Tilley, House Clerk's Page. by \*Jackson.

**House Resolution No. 130** -- Memorials, Interns -- Jennifer Nicole Slaughter, House Clerk's page. by \*Jackson.

**House Resolution No. 131** -- Memorials, Recognition and Thanks - U.S.C.G. Loran Unit 333, Reunion June 1, 1995. by \*Gunnels.

**House Resolution No. 132** -- Memorials, Personal Occasion -- Mr. and Mrs. David Daniels, 40th Wedding Anniversary. by \*Williams (Union).

**House Resolution No. 133** -- Memorials, Personal Occasion -- Mr. and Mrs. Jesse Rogers, 50th Wedding Anniversary. by \*Williams (Union).

**House Resolution No. 140** -- Memorials, Personal Occasion -- Mr. and Mrs. Carl Keller, 50th Wedding Anniversary. by \*Williams (Union).

**House Resolution No. 139** -- Memorials, Professional Achievement -- Jim and Ann Shipley, Agriculture/Forestry Environmental Stewardship Award. by \*Williams (Union).

**House Resolution No. 134** -- Memorials, Professional Achievement -- Jim Welch. by \*Williams (Union).

**House Resolution No. 135** -- Memorials, Personal Occasion -- Reverend and Mrs. Sam Ayers, 40th wedding anniversary. by \*Williams (Union).

**House Resolution No. 136** -- Memorials, Retirement -- J. C. Gilpin, United States Postal Service. by \*Williams (Union).

**House Resolution No. 137** -- Memorials, Recognition and Thanks - Hillbilly Bill Hatfield and Hillbilly Sawmill. by \*Williams (Union).

**House Resolution No. 138** -- Memorials, Personal Occasion -- Mr. and Mrs. Arthur Russell, 49th Wedding Anniversary. by \*Williams (Union).

**House Joint Resolution No. 350** -- Memorials, Sports -- 1994 Kingsport Christian High School baseball team. by \*Ramsey.

**House Joint Resolution No. 351** -- Memorials, Professional Achievement -- Mark Storey, Police Officer of the Year. by \*Byrd.

House Joint Resolution No. 352 -- Memorials, Retirement -- James R. Jenkins. by \*West.

House Joint Resolution No. 353 -- Memorials, Professional Achievement -- Ken Mote, Firefighter of the Year. by \*Byrd.

House Joint Resolution No. 354 -- Memorials, Professional Achievement -- Cherry Jones, Tony Award nominee for "The Heiress." by \*Ridgeway.

House Joint Resolution No. 355 -- Memorials, Retirement -- Denny H. "Jack" Brewer. by \*McKee, \*Newton, \*Bird, \*Naifeh.

House Joint Resolution No. 356 -- Memorials, Retirement -- Ed Murray, Claims Commission by \*Naifeh, \*Rhinehart, \*Rigsby.

House Joint Resolution No. 357 -- Memorials, Sports -- 1994-1995 Franklin County South Junior High School girls' basketball team. by \*Rigsby.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar for May 24, 1995:

\*Senate Joint Resolution No. 193 -- General Assembly, Directed Studies -- Requests state board of education to provide information to senate and house education committees on number of 16 grade suspended or expelled students and facilities for them; urges LEAs to place such students in existing alternative schools. by \*Womack.

**RESOLUTIONS**

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for May 25, 1995:

House Resolution No. 128 -- Memorials, Recognition and Thanks - 92nd Legislative District on National Freedom Day. by \*Brooks.

House Resolution No. 142 -- Memorials, Interns -- Coley Wayne Jackson. by \*Beavers.

House Resolution No. 143 -- Memorials, Academic Achievement -- Glencliff High School, state champions of "We the People" competition. by \*Arriola.

House Resolution No. 144 -- Memorials, Recognition and Thanks - Mississippi Boulevard Christian Church and Dr. Alvin O'Neal Jackson by \*DeBerry J, \*Turner (Shelby), \*Jones R (Shelby), \*Bowers, \*Miller L, \*Chumney, \*Jones U (Shelby).

House Resolution No. 145 -- Memorials, Recognition and Thanks - Metropolitan Baptist Church and Dr. Fred C. Lofton. by \*DeBerry J, \*Turner (Shelby), \*Jones R (Shelby), \*Bowers, \*Miller L, \*Chumney, \*Brooks, \*Jones U (Shelby), \*Byrd.

House Joint Resolution No. 359 -- Memorials, Death -- Beatrice Sadler Roddy. by \*Cantrell.

House Joint Resolution No. 360 -- Memorials, Retirement -- Glenn Shivers, Principal of McEwen School. by \*Peach.

House Joint Resolution No. 361 -- Memorials, Academic Achievement -- Erika Lewis, Coffee County High School graduate. by \*Lewis.

House Joint Resolution No. 364 -- Memorials, Retirement -- Lester Eugene Trotter, Williamson County High School. by Peach.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 25, 1995

Senate Joint Resolution No. 246 -- Memorials, Retirement -- Jim McNamee, track coach, Oak Ridge High School. by \*McNally.

Senate Joint Resolution No. 247 -- Memorials, Retirement -- Margaret Gordon Taylor. by \*Kyle.

Senate Joint Resolution No. 248 -- Memorials, Recognition and Thanks -- Reece Cole, Citizens Commission on Government Officials' Compensation. by \*Wilder, \*Kyle.

Senate Joint Resolution No. 249 -- Memorials, Recognition and Thanks -- Milton E. Fletcher, Citizens Commission on Government Officials' Compensation. by \*Wilder, \*Kyle.

Senate Joint Resolution No. 250 -- Memorials, Recognition and Thanks -- Steven Priddy, Citizens Commission on Government Officials' Compensation. by \*Wilder, \*Kyle.

Senate Joint Resolution No. 251 -- Memorials, Recognition and Thanks -- Patricia Wright, Citizens Commission on Government Officials' Compensation. by \*Wilder, \*Kyle.

Senate Joint Resolution No. 252 -- Memorials, Recognition and Thanks -- Bucky Kahl, Citizens Commission on Government Officials' Compensation. by \*Wilder, \*Kyle.

Senate Joint Resolution No. 255 -- Memorials, Interns -- Fredrick Benard Booker. by \*Dixon.

Senate Joint Resolution No. 256 -- Memorials, Interns -- Mary Ellen Coleman. by \*Womack.

Senate Joint Resolution No. 257 -- Memorials, Interns -- John Hardin. by \*Womack.

Senate Joint Resolution No. 260 -- Memorials, Retirement -- Eleanor Drake Mitchell, Putnam County Board of Education. by \*Burks.

**Senate Joint Resolution No. 261** -- Memorials, Interns -- Janet Harris. by \*Burks.

**Senate Joint Resolution No. 262** -- Memorials, Interns -- Raegan Lynn Lambert. by \*Person.

**Senate Joint Resolution No. 263** -- Memorials, Interns -- Kevin Andrew Gallagher. by \*Person.

**Senate Joint Resolution No. 264** -- Memorials, Public Service -- Anna Brown Alexander. by \*Haynes, \*Harper.

**Senate Joint Resolution No. 265** -- Memorials, Interns -- Roy J. Roberts. by \*Gilbert.

**Senate Joint Resolution No. 268** -- Memorials, Sports -- Friendship Christian School softball team. by \*Rochelle.

#### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1939** -- Kingsport -- Subject to local approval, establishes Northeast Tennessee Corridor Overlay. by \*Westmoreland, \*Ramsey, \*Venable, \*Givens.

#### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

**Senate Bill No. 1393** -- Sentencing -- Requires trial judge when imposing sentence to announce in open court estimated minimum time defendant will be incarcerated based upon charts furnished by department of correction. Amends TCA Title 40, Chapter 35. by \*Gilbert.

**Senate Bill No. 1632** -- Election Laws -- Decreases from 100 to 25 number of registered voters that must sign nomination petition for delegate to national party convention. Amends TCA Title 2, Chapter 13. by \*Atchley.

**\*Senate Bill No. 1749** -- Criminal Offenses -- Removes requirement that first degree murder must be premeditated and deliberate; removes requirement that first degree felony murder must be reckless; removes requirement that second degree murder when death caused by unlawful drug distribution be reckless; raises vehicular homicide from Class C to Class B felony unless negligence of victim substantially contributed to victim's death. Amends TCA Title 39, Chapter 13, Part 2. by \*Wright, \*Atchley, \*Person, \*Elsa, \*Leatherwood, \*McNally, \*Miller J, \*Gilbert, \*Carter, \*Holcomb, \*Haun, \*Jordan, \*Fowler, \*Hamilton.

**\*Senate Bill No. 1913** -- Courts, General Sessions -- Allows Robertson County general sessions court judge to appoint own court officers. Amends TCA 88-201. by \*Wright.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1915** -- Highways, Roads and Bridges -- Held on House Desk

**House Bill No. 1932** -- Humboldt -- Local Bill Held on House Desk

**House Bill No. 1940** -- Ripley -- Local Bill Held on House Desk

**House Bill No. 1941** -- Spencer -- Local Bill Held on House Desk

**House Bill No. 1943** -- Lafayette -- Local Bill Held on House Desk

**House Bill No. 1944** -- Gibson County -- Local Bill Held on House Desk

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **May 23, 1995** reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 24, 1995**: House Bill(s) No(s). 1195, 1298, 1352, 880, 1347, 306, 560, 551, 846, 1779, 430, 436, 628, 590, 888 and 1856.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 24, 1995**: House Bill(s) No(s). 1837, 1774, 465, 444, 443, 145, House Joint Resolution(s) No(s). 41, 210 and 278, House Resolution(s) No(s). 52 and Senate Joint Resolution(s) No(s). 195.

**EDUCATION**

The Education Committee recommended for passage: Senate Joint Resolution(s) No(s). 193. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 581 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

**FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee met at 1:30 p.m. and recommended for passage: House Bill(s) No(s). 128, 1869, 1182, 72, 1764, 1800, 1801, 1803 and 1807 and House Joint Resolution(s) No(s). 290 and 301; also House Bill(s) No(s). 499, 30, 1793, 1798, 1808 and

1802 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee met at 5:30 p.m. and recommended for passage: House Bill(s) No(s). 1844, 307, 1762, 1763, 1768, 1750, 1196, 905, 1938 and 581; also House Bill(s) No(s). 1843, 1687, 1048, 6, 477, 1537, 919, 1778, 1895, 1163, 1276 and 298 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### GOVERNMENT OPERATIONS

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1938 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### JUDICIARY

The Judiciary Committee recommended for passage: House Resolution(s) No(s). 94; also House Bill(s) No(s). 596 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### REPORTS FROM STANDING COMMITTEES

The committees that met on **May 24, 1995** reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for May 24, 1995**: House Bill(s) No(s). 1938, 1808, 1800, 1802, 1807, 1801, 1803, 1798, 1843, 1844, 596, 499, 72, 580, 1172, 1416, 1869, 128, 1793, 1182, 1764, 1574, 581, 1687, 1048, 6, 477, 1537, 919, 1762, 1778, 1895, 1163, 1276, 905, 298 and House Resolution(s) No(s). 89.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for May 24, 1995**: House Bill(s) No(s). 1196, 1750, 1758, 307, 1763, 1768 and 1921, House Resolution(s) No(s). 94, House Joint Resolution(s) No(s). 281, 301, 329 290 and Senate Joint Resolution(s) No(s). 182 and 193.

#### CONSENT CALENDAR

**\*House Bill No. 1837** -- Utilities, Utility Districts -- Authorizes referendum of customers to approve increasing per diem for board of Huntsville Utility District, Scott County to \$250 from \$100 to be paid for not more than 12 meetings a year. Amends TCA 7-82-308. by \*Winningham. (SB1832 by \*O'Brien).

**House Bill No. 1774** -- Pardons and Paroles -- Raises parolee's monthly contribution amount toward cost of supervision and probation from \$5.00 to \$15.00; allows dispersal of funds for drug screening of parolees. Amends TCA Title 40. by \*Bittle, \*Ramsey, \*Westmoreland, \*Venable, \*Cole (Carter), \*Patton, \*Clabough, \*Ford S, \*Davis, \*Dunn, \*Kerr, \*Newton, \*Bird, \*Duer, \*Wood, \*Sharp, \*Cantrell, \*Coffey,

\*Williams (Union), \*Roach, \*Buck, \*Stamps, \*Beavers, \*Callicott, \*Kisber, \*Peach, \*Pinion, \*Walley, \*Kent, \*Shirley, \*Haley(\*SB1759 by \*McMally, \*Haun, \*Holcomb, \*Atchley, \*Gilbert, \*Miller J, \*Fowler, \*Elsea, \*Wright, \*Rice, \*Jordan, \*Hamilton, \*Carter, \*Person, \*Leatherwood).

**House Bill No. 465** -- Sunset Laws - Board of electrolysis examiners, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 63, Chapter 26. by \*Kernell, \*Garrett, \*Brooks(\*SB188 by \*Haynes).

On motion, House Bill No. 465 was made to conform with **Senate Bill No. 188**; the Senate Bill was substituted for the House Bill.

**House Bill No. 444** -- Administrative Procedure - Increases time when sunrise review of agency by government operations committee is conducted from one to two years. Amends TCA Title 4, Chapter 29. by \*Kernell, \*Garrett, \*Brooks(\*SB487 by \*Haynes).

On motion, House Bill No. 444 was made to conform with **Senate Bill No. 487**; the Senate Bill was substituted for the House Bill.

**House Bill No. 443** -- Administrative Procedure - Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1995. by \*Kernell, \*Garrett, \*Brooks(\*SB507 by \*Haynes).

On motion, House Bill No. 443 was made to conform with **Senate Bill No. 507**; the Senate Bill was substituted for the House Bill.

**House Joint Resolution No. 41** -- Memorials, Congress - Claims Tennessee's sovereignty under Tenth Amendment to U.S. Constitution over all powers not otherwise enumerated and granted to federal government by U.S. Constitution. by \*Boyer, \*Dunn, \*Williams (Union), \*Roach.

**Senate Joint Resolution No. 195** -- General Assembly, Confirmation of Appointment - William Robert Baker, Tennessee Claims Commission. by \*Rice.

**House Resolution No. 52** -- General Assembly, Confirmation of Appointment - Herman Reviere, Registry of Election Finance for additional term. by \*Fitzhugh, \*Ridgeway, \*Rinks, \*Purcell, \*Hargrove, \*Naifeh, \*DeBerry L.

**House Bill No. 145** -- Appeal and Review - Authorizes circuit court to award damages in excess of general sessions court jurisdictional limits when case is first heard in sessions court and then appealed to circuit court for trial de novo. Amends TCA 16-15-729. by \*Herron(\*SB156 by \*Haynes, \*Cohen, \*Kyle).

On motion, House Bill No. 145 was made to conform with **Senate Bill No. 156**; the Senate Bill was substituted for the House Bill.

**House Joint Resolution No. 210** -- General Assembly, Studies - Establishes special joint committee to study use of cleaner alternative fuels. by \*Kernell.

**House Joint Resolution No. 278** -- General Assembly, Studies - Creates special joint committee to study issues related to relocation of utility lines. by \*Head.



**House Bill No. 1894** -- Hamilton County - Subject to local approval, permits county employees pension system to invest in mutual funds and bank common trust funds. Amends Chapter 557, Private Acts of 1939, as amended. by \*Stulce, \*Sharp, \*Wood, \*Brown, \*McAfee(SB1878 by \*Fowler, \*Crutchfield).

On motion, House Bill No. 1894 was made to conform with **Senate Bill No. 1878**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1913** -- Altamont - Subject to local approval, changes election date for mayor and board of aldermen. Amends Chapter 664 of the Private Acts of 1917, as amended. by \*Rhinehart(SB1887 by \*Cooper).

**House Bill No. 1922** -- Germantown -- Subject to local approval, authorizes hotel/motel tax. Amends Chapter 87 of the Private Acts of 1985.. by \*Kent, \*Shirley, \*Hassell (SB1912 \*Person, \*Ford J, \*Leatherwood).

**House Bill No. 1923** -- Sullivan County - Subject to local approval, creates consolidated government charter commission. by \*Venable, \*Westmoreland, \*Ramsey(SB1921 by \*Holcomb).

**House Bill No. 1924** -- Tipton County - Subject to local approval, revises provisions relative to public works committee. Amends Chapter 114 of the Private Acts of 1973, as amended. by \*Naifeh.

**House Bill No. 1925** -- Lake County - Subject to local approval, creates juvenile court. by \*Pinion(SB1889 by \*Hamilton).

**House Bill No. 1928** -- Lafollette - Subject to local approval, authorizes board of trustees of community hospital to operate other health related services. Amends Chapter 236 of the Private Acts of 1957. by \*Cross, \*Williams (Union)(SB1917 by \*McNally).

**House Bill No. 1929** -- Moscow - Subject to local approval, amends charter relative to election of mayor and aldermen. Amends Chapter 77 of the Private Acts of 1991. by \*Walley(SB1930 by \*Wilder).

**House Bill No. 1930** -- Henderson County - Subject to local approval, redefines "person" to include governmental entity. Amends Chapter 98 of the Private Acts of 1983, as amended by Chapter 187 of the Private Acts of 1984. by \*McDaniel(SB1922 by \*Springer).

**House Bill No. 1931** -- Cookeville - Specifies composition of Cookeville General Hospital Board of Trustees. Amends Chapter 223, Private Acts of 1961, as amended. by \*Hargrove(SB1916 by \*Burks).

**House Bill No. 1933** -- Trenton - Subject to local approval, requires municipal judge to be licensed attorney and meet constitutional qualifications. Amends Chapter 551 of the Public Acts of 1903, Section 8, as amended. by \*Phelan(SB1924 by \*Carter).

**House Bill No. 1934** -- Carroll County - At request of South Carroll County special school district, authorizes board to borrow against anticipated tax and/or state receipts. Amends Chapter 278, Private Acts of 1955, as amended. by \*Herron, \*Phelan(SB1925 by \*Carter).

**House Bill No. 1935** -- Henry County - Subject to local approval, provides that when setting tax rate county commission may assume 94 percent of collection level, as opposed to 90 percent. Amends Chapter 137 of the Private Acts of 1983. by \*Ridgeway(SB1926 by \*Hamilton).

**House Bill No. 1937** -- Gallatin - Subject to local approval, revises charter relative to power of city council. Amends Chapter 67 of the Private Acts of 1953, as amended. by \*Stamps, \*McDonald(SB1862 by \*Wright).

**House Resolution No. 115** -- Memorials, Interns - Jennifer Leigh Dunning. by \*Eckles.

**House Resolution No. 117** -- Memorials, Interns-Ray Akers. by \*Napier.

**House Resolution No. 118** -- Memorials, Interns-Courtney Ann Clark. by \*Westmoreland.

**House Resolution No. 119** -- Memorials, Personal Occasion-Reverend James R. Grimes, Sr., 90th birthday. by \*Walley.

**House Resolution No. 120** -- Memorials, Personal Occasion-Mr. and Mrs. Cornelius Mason, Sr., 50th Wedding Anniversary. by \*Pruitt.

**House Resolution No. 121** -- Memorials, Personal Occasion-Jack E. and Annette Cantwell, 50th wedding anniversary. by \*Williams (Union).

**House Resolution No. 122** -- Memorials, Congratulations-Claiborne County. by \*Williams (Union).

**House Resolution No. 123** -- Memorials, Congratulations-Claiborne County Farmers Co-op, 50th Anniversary. by \*Williams (Union).

**House Resolution No. 124** -- Memorials, Professional Achievement-Earl and Brenda Ingle of Earl's Western Wear. by \*Williams (Union).

**House Resolution No. 125** -- Memorials, Sports-1994-1995 Westview High School girls' basketball team. by \*Herron.

**House Resolution No. 126** -- Memorials, Interns-Melissa Emmalee McConnell. by \*Naifeh.

**House Resolution No. 127** -- Memorials, Interns-Kathy Lynn Norwood. by \*Naifeh.

**House Joint Resolution No. 327** -- Memorials, Interns - Jocelyn Veronica Jones. by \*Byrd, \*Pruitt, \*Arriola, \*DeBerry J.

**House Joint Resolution No. 328** -- Memorials, Interns-Lauri Kathryn Heffley. by \*Haley, \*Shirley.

**\*House Joint Resolution No. 330** -- General Assembly, Studies-Creates special joint committee to study implementation of state slaughter and inspection program for ratites. by \*Phelan, \*Rigsby.

**House Joint Resolution No. 331** -- Memorials, Sports-Portland High School softball team, District 10AA champions. by \*McDonald.

House Joint Resolution No. 332 -- Memorials, Sports-Portand High School baseball team, District 10AA champions. by \*McDonald.

House Joint Resolution No. 333 -- Memorials, Academic Achievement-Katy Hartsgrrove, Valedictorian, Northwest High School. by \*McMillan, \*Head.

House Joint Resolution No. 334 -- Memorials, Academic Achievement-Diane Faires, Valedictorian, Northeast High School. by \*Head, \*McMillan.

House Joint Resolution No. 335 -- Memorials, Academic Achievement-Giselle Agosto, Salutatorian, Clarksville Academy. by \*McMillan, \*Head.

House Joint Resolution No. 336 -- Memorials, Academic Achievement-Jamie Adams, Valedictorian, Clarksville Academy. by \*McMillan, \*Head.

House Joint Resolution No. 337 -- Memorials, Academic Achievement-Elizabeth Camille Pedigo, Valedictorian, Clarksville High School. by \*McMillan, \*Head.

House Joint Resolution No. 338 -- Memorials, Academic Achievement-Lora Elizabeth Mitchell, Salutatorian, Clarksville High School. by \*McMillan, \*Head.

House Joint Resolution No. 339 -- Memorials, Academic Achievement-Christy Steinhouser, Salutatorian, Northwest High School. by \*McMillan, \*Head.

House Joint Resolution No. 340 -- Memorials, Academic Achievement-Kathy Hicks, Salutatorian, Northeast High School. by \*Head, \*McMillan.

House Joint Resolution No. 341 -- Memorials, Academic Achievement-Phillip Chambers, Valedictorian, Montgomery Central High School. by \*Head, \*McMillan.

House Joint Resolution No. 342 -- Memorials, Academic Achievement-Joel Morris, Salutatorian, Montgomery Central High School. by \*Head, \*McMillan.

House Joint Resolution No. 343 -- Retirement-Coach Dee Harris. by \*Curtiss, \*Rhinehart, \*Winningham.

House Joint Resolution No. 344 -- Memorials, Public Service-Neighborhood Watch, Inc. by \*DeBerry J, \*Turner (Shelby), \*Chumney, \*Towns, \*Bowers, \*Hassell, \*Joyce, \*Shirley, \*Haley, \*Byrd.

House Joint Resolution No. 345 -- Memorials, Retirement-Maxine Smith, Memphis Branch, NAACP. by \*DeBerry J, \*Turner (Shelby), \*Jones R (Shelby), \*Miller L, \*Towns, \*Bowers, \*Jones U (Shelby).

House Joint Resolution No. 346 -- Memorials, Interns-Kweilyn Wiseman. by \*DeBerry J, \*Towns, \*Bowers, \*Jones U (Shelby).

House Joint Resolution No. 347 -- Memorials, Sports-1994 Germantown High School football team, Tennessee Secondary school

Athletic Association Class 5A runner-up. by \*Shirley, \*Hassell, \*Kent.

**House Joint Resolution No. 348** -- Memorials, Interns-Joma K. Harris. by \*Robinson, \*Fowlkes, \*Cole (Dyer).

**Senate Joint Resolution No. 258** -- Memorials, Retirement-Dr. Frederic Tremaine Billings, Jr. by \*Womack.

**Senate Joint Resolution No. 259** -- Memorials, Personal Occasion-Milton Hamilton, Sr. and Novelle Rogers Hamilton, 70th Wedding Anniversary. by \*Hamilton.

**Senate Joint Resolution No. 266** -- Memorials, Public Service-Marvin and Sandra Walker, Maryville. by \*Koeila.

**Senate Joint Resolution No. 267** -- Memorials, Academic Achievement-Christie Elizabeth Phillips Walker. by \*Koeila.

**Senate Joint Resolution No. 235** -- Memorials, Academic Achievement - Kristi Thompson, 1995 Mt. Juliet High School Salutatorian. by \*Rochelle.

**Senate Joint Resolution No. 236** -- Memorials, Interns - Jack T. Wilton, Jr. by \*Leatherwood.

**Senate Joint Resolution No. 238** -- Memorials, Interns - Jennifer Rebecca Picklesimer. by \*Atchley.

**Senate Joint Resolution No. 239** -- Memorials, Retirement - Chancellor C. Alan High. by \*Haynes, \*Jordan, \*Wilder.

**Senate Joint Resolution No. 240** -- Memorials, Sports - 1994-1995 East Tennessee State University women's basketball team. by \*Crowe.

**Senate Joint Resolution No. 241** -- Memorials, Personal Occasion - Harry and Betty Church, 50th Wedding Anniversary. by \*Crowe.

**Senate Joint Resolution No. 243** -- Memorials, Sports - Germantown High School baseball team, "USA Today" top team. by \*Person, \*Leatherwood.

**Senate Joint Resolution No. 244** -- Memorials, Death - Boyd Duckworth, Jr. by \*Miller J.

#### OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 1774:** by Rep Bowers.

**House Bill No. 1837:** by Rep. Byrd.

**House Bill No. 1922:** by Rep. Jones U(Shelby).

Under the rules, House Bill(s) No(s). 1774, 1837, 1922 was/were placed at the foot of the calendar for May 25, 1995.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 99  
 Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

#### REGULAR CALENDAR

**House Bill No. 1536** -- Criminal Procedure - Requires court having jurisdiction to expunge misdemeanor records upon request of misdemeanant, if no subsequent criminal offense committed since original misdemeanor conviction; requires petition to expunge records to be filed not less than five nor more than 20 years from date of conviction. Amends TCA Section 40-32-101. by \*Stulce(\*SB1712 by \*Crutchfield).

Further consideration of House Bill No. 1536, previously considered on April 20, 1995, April 24, 1995, and April 26, 1995, and reset to today's Calendar.

Rep. Stulce requested that House Bill No. 1536 be moved down five places on today's Calendar, which motion prevailed.

**House Bill No. 1434** -- County Government - Authorizes counties with charter form of government to issue citations in lieu of arrest for traffic and county ordinance violations; authorizes such counties to enter into agreement with district attorney general of county to prosecute ordinance violations in such county. Amends TCA Title 7, Chapter 63; Title 8, Chapter 7. by \*Boyer, \*Dunn, \*Burchett, \*Bittle, \*Tindell, \*Ritchie, \*Buck(\*SB1433 by \*Gilbert, \*McNally, \*Atchley).

Further consideration of House Bill No. 1434, previously considered on April 24, 1995 and May 15, 1995, and reset to today's Calendar.

Rep. Boyer moved that House Bill No. 1434 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1434 by inserting the following in the amendatory language of Section 1 of the printed bill between the words "counties" and "which have" and between the words "counties" and "with a" in subsection (a) of the amendatory language of Section 2 of the printed bill:

with populations of less than five hundred thousand (500,000) according to the 1990 federal census or any subsequent federal census and

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1434 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 8-7-401, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b)(1) No private legal counsel employed as a special prosecutor pursuant to subsection (a), shall be permitted to participate in any criminal hearing, trial or other proceeding unless the defendant or defendants have been notified and the court has conducted a hearing on such employment as provided in subpart (2) of this subsection.

(2) At such hearing the defendant or defendants shall have the right to be present and to raise and preserve any objections to the employment of such special prosecutor as provided by law. The court shall examine the private counsel to be employed and shall make a specific finding as to whether such person is or is not qualified under the law to serve as special prosecutor and as to whether such person has or does not have a conflict of interest as provided by law.

(3) Any allegations of prosecutorial misconduct or other defects in the trial committed or caused by the special prosecutor shall be raised and disposed of at the time a motion for new trial is made by the defendant.

On motion, Amendment No. 2 was adopted.

Rep. Boyer moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1434 by deleting subsection (b) of the amendatory language of Section 2 in its entirety.

On motion, Amendment No. 3 was adopted.

Rep. Boyer moved that **House Bill No. 1434**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 134** -- Malpractice, Professional - Enacts "Therapist Sexual Misconduct Victims Compensation Act." Amends TCA Title 29. by \*Herron(SB406 by \*Cohen).

Further consideration of House Bill No. 134, previously considered on May 15, 1995, and reset to today's Calendar.

Rep. Buck moved that House Bill No. 134 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 134 by deleting the language "sexual misconduct by the therapist" in subdivision (b)(4) of Section 6 of the printed bill and by substituting instead the language "willful sexual misconduct or negligence by the therapist".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 134 by deleting all language after the enacting clause and by substituting instead the following:

WHEREAS the General Assembly deplores the exploitation and abuse of persons who entrust their emotional or mental well-being to professionals who hold themselves out to be able to assist them in their time of distress; and

WHEREAS sexual relations between a therapist and any patient is considered unprofessional conduct which has detrimental effects for the patient; and

WHEREAS Tennessee Code Annotated, Title 29, Chapter 26, fails to adequately provide recourse for those harmed by the unprofessional conduct of their therapist; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The title of this act is, and may be cited as, the "Therapist Sexual Misconduct Victims Compensation Act" .

SECTION 2. It is the intention of the general assembly to provide victims of sexual misconduct by a therapist with a legal remedy, including significant compensatory damages and a more reasonable statute of limitations. It is intended to prevent sexual misconduct by therapists by imposing significant liability upon any therapist who engages in this type of misconduct. This is necessary due to the inadequacy of the current system of malpractice where the statute of limitations fails to address the specific problems associated with sexual misconduct by therapists. The act also clarifies the legal landscape and attempts to prevent most instances of sexual misconduct by making employers liable if they refuse to take simple and reasonable steps to avoid endangering their patients.

SECTION 3. As used in this act, unless the context otherwise requires:

- (1) "Claimant" means any of the following;
- (A) the victim;
  - (B) the parents of the victim where the victim is still a minor;
  - (C) the legal guardian of the victim if the victim is not competent to assert his or her legal rights; or
  - (D) the spouse of the victim where the sexual misconduct occurred while the spouse and the victim were married.



(2) "Deception" means the representation of actions that are part of or consistent with the patient's treatment by the therapist.

(3) "Emotionally dependent" means that the patient's emotional condition is such that the therapist knows or has reason to know that the patient is not competent to give consent to sexual advances due to the relationship which the therapist and patient have developed in the course of treatment by the therapist.

(4) "Employer" means any person or entity that employs any therapist for the purpose of providing therapy.

(5) "Patient" means a person who has obtained therapy from a therapist. For purposes of this act, patient encompasses both current and former patients of a therapist.

(6) "Sexual behavior" means sexual activity of the victim other than the sexual act(s) at issue in the case.

(7) "Sexual misconduct" means any of the following, regardless of the consent of the patient:

(A) (i) any intrusion into an opening of the patient's body by any part of the therapist's body, or an object used by the therapist to effect an intrusion for the purpose of sexual arousal or gratification;

(ii) any intrusion into an opening of the therapist's body by any part of the patient's body, or an object used by the patient to effect an intrusion for the purpose of sexual arousal or gratification where the therapist has consented to the conduct verbally or by acquiescence;

(iii) touching of the patient's body by the therapist for the purpose of sexual arousal or gratification; or

(iv) touching of the therapist's body by the patient for the purpose of sexual arousal or gratification where the therapist has consented to the conduct verbally or by acquiescence.

(B) Sexual misconduct includes attempts by the therapist to engage in the

conduct described in (A) (i) through  
(iv), inclusive, of this item.

(C) Conduct which is part of standard  
medical treatment shall not constitute  
sexual misconduct if the therapist is  
legally permitted and qualified to perform  
such medical treatment.

(8) "Therapist" means any person who  
performs therapy regardless of whether  
the person is licensed by the state.

(9) "Therapy" means action by a person who  
represents that they are and do practice the  
professional treatment, assessment, or  
counseling of a mental or emotional disorder,  
illness, condition or symptom. It includes but is not limited to  
marital counseling, substance abuse treatment,  
and family counseling. Therapy begins the  
first time the patient seeks the  
therapist's assistance as a therapist. This definition includes  
services provided without charge if they  
otherwise meet the definition.

SECTION 4. A cause of action for sexual  
misconduct exists for a claimant where the sexual  
misconduct occurred:

(a) during the time when the patient was  
receiving therapy from the therapist; or

(b) after the patient has stopped receiving  
therapy from the therapist if, (1) the upon  
patient is still emotionally dependent  
the therapist, or (2) the sexual misconduct was the result  
of deception; or

(c) both (a) and (b).

SECTION 5. A therapist does not violate Section  
4 if the patient is:

(a) the spouse of the therapist and was  
married to the therapist prior to the  
establishment of the therapist-patient  
relationship, or

(b) the sexual relationship began prior to  
the establishment of the therapist-patient  
relationship.

SECTION 6. (a) An employer of a therapist may be  
liable under Section 4 if sexual misconduct  
occurred as provided in Section 4, and either of the  
following applies:

(1) the employer fails to take reasonable  
action when the employer knows or has reason

to know that the therapist has engaged in sexual misconduct with any patient; or

(2) the employer fails to make inquiries of a former employer concerning past sexual misconduct of the therapist and:

(A) the former employer's name and address has been disclosed to the employer;

(B) the therapist was employed by the former employer as a therapist within five (5) years of the date of employment as a therapist for the employer and during the period of prior employment the therapist engaged in sexual misconduct.

(b) An employer or former employer of a therapist may be liable under Section 4 if:

(1) sexual misconduct occurred as provided in Section 4;

(2) the employer or former employer receives a written request from another employer or prospective employer concerning sexual misconduct by the therapist;

(3) the employer or prospective employer is considering the therapist for a therapist position; and

(4) the employer or former employer knows or has reason to know of the sexual misconduct and fails or refuses to disclose to the requesting employer the occurrence of sexual misconduct by the therapist.

(c) An employer or former employer who gives information concerning sexual misconduct by a therapist when presented with a request for such information by a prospective employer of the therapist is absolved from any legal liability due to the therapist's failure to find employment or damage to the therapist's reputation as a result of the information provided, unless the information is false and the reporting employer knew or should have known that the information was false.

(d) Nothing in this section is intended to affect in any way the application of employer liability if such liability rests upon negligence by the employer in supervising the therapist or where the scope of employment would encompass the sexual misconduct.

SECTION 7. In an action for sexual misconduct, the victim's sexual history is not admissible as evidence except to prove that the sexual behavior occurred with the therapist prior to the provision of therapy to the patient by the therapist. During discovery, only

evidence of the victim's sexual history which is relevant to a determination of the timing of the sexual relationship between the parties is discoverable.

SECTION 8. (a) The statute of limitations in sexual misconduct actions shall be two (2) years from the date the alleged injury occurred or is discovered, whichever is later. The burden of proof shall be on the plaintiff to prove discovery as defined in this section.

For purposes of this section, discovery of the alleged injury occurs after therapy ends, the victim is no longer emotionally dependent upon the therapist, and the patient knew or should have known that sex with a therapist is unprofessional and harmful to the patient.

(b) Except as provided in (c) of this section, no such action shall be brought more than ten (10) years after the date on which the sexual misconduct first occurred.

(c) Where the sexual misconduct involves a minor the statute of limitations shall be one (1) year after the minor's eighteenth (18th) birthday, except that where (a) or (b) above would provide for a longer time in which to bring a claim, the provision that provides the longest time in which to bring a claim shall apply.

SECTION 9. The claimant may recover for damages caused by the sexual misconduct. Such damages include but are not limited to:

(a) reasonable economic losses caused by the sexual misconduct, including but not limited to:

(1) the cost of counseling, any other expenses hospitalization and connected with treating the harm caused by the sexual misconduct;

(2) any payments made to the therapist for treatment;

(3) the cost of counseling, any other expenses hospitalization and connected with treating the mental disorder, illness, condition, or symptom for which the patient had sought therapy from the therapist; and

(4) loss of income caused by the sexual misconduct;

(b) pain and suffering caused by the sexual  
misconduct, including but not limited to  
psychological and emotional anguish;

(c) if the victim is dead, the claimant may  
seek damages for wrongful death where the  
victim's death is the result of the  
physical or emotional harm inflicted upon the  
victim by the sexual misconduct of the therapist; and

(d) punitive damages as otherwise provided  
by law.

SECTION 10. The provisions of this act are  
declared to be remedial in nature and the provisions  
of this act shall be liberally construed to  
effectuate its purposes.

SECTION 11. If any provision of this act or the  
application thereof to any person or circumstance  
is held invalid, such invalidity shall not affect  
other provisions or applications of the act which can  
be given effect without the invalid provision or application, and  
to that end the provisions of this act are declared  
to be severable.

SECTION 12. This act shall take effect upon  
becoming law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3  
as follows:

**Amendment No. 3**

AMEND House Bill No. 134 by deleting the second sentence of  
SECTION 8(a), as amended by House Judiciary Committee Amendment No.  
1, in its entirety.

FURTHER AMEND by deleting from the third sentence of SECTION  
8(a), as amended by House Judiciary Committee Amendment No. 1, the  
words "sex with" and substituting instead the words "sexual  
misconduct by".

On motion, Amendment No. 3 was adopted.

Rep. Herron moved that **House Bill No. 134**, as amended, be passed  
on third and final consideration, which motion prevailed by the  
following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers,  
Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,  
Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole  
(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,  
DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett,

Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*Senate Bill No. 882** -- Fees - Increases clerk's commission from 5 to 10 percent for clerks of various courts in Shelby County for performing various services; authorizes certain new fees for such clerks. Amends TCA 8-14-205; Title 8, Chapter 21; 36-3-604; 40-24-101; 40-3-206; 40-11-204; 40-14-202. by \*Ford J, \*Dixon(HB985 by \*DeBerry L, \*Kent).

Further consideration of Senate Bill No. 882, previously considered on May 17, 1995, at which time the House Bill was substituted for the Senate Bill, and reset to today's Calendar.

Rep. DeBerry L requested that Senate Bill No. 882 be moved down twelve places on today's Calendar, which motion prevailed.

**\*House Bill No. 26** -- State Prisoners - Requires state prisons be constructed to resemble military barracks and meet only minimum required state or federal standards of comfort and safety; limits prisoner access to exercise or recreational equipment and limits TV watching to two hours a day. Amends TCA Title 41, Chapter 1, Part 4. by \*Bird, \*Newton, \*McKee(SB518 by \*Miller J).

Further consideration of House Bill No. 26, previously considered on May 17, 1995, and reset to today's Calendar.

Rep. Bird moved that House Bill No. 26 be reset to the first Calendar of 1996, which motion prevailed.

**House Bill No. 777** -- Railroads - Creates Tennessee Railroad Passenger Commission to promote passenger rail service in Tennessee. Amends TCA Title 4. by \*West, \*Ramsey, \*Venable, \*Westmoreland(\*SB1220 by \*Harper).

Further consideration of House Bill No. 777, previously considered on May 15, 1995 and May 17, 1995, and reset to today's Calendar.

On motion, House Bill No. 777 was made to conform with **Senate Bill No. 1220**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 1220 be passed on third and final consideration.

Rep. Ramsey moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1220 by adding the following new sentence at the end of subsection (a) of Section 4 of the printed bill:

The commission shall also include one mayor from the Tri-Cities, to be selected by the three mayors for a term of three (3) years.

On motion, Amendment No. 1 was adopted.

Rep. West moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1220 by deleting in Section 2 of the printed bill the language " public service commission" and by substituting instead the language " department of safety" .

On motion, Amendment No. 2 was adopted.

Rep. West moved that **Senate Bill No. 1220**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1536** -- Criminal Procedure - Requires court having jurisdiction to expunge misdemeanor records upon request of misdemeanant, if no subsequent criminal offense committed since original misdemeanor conviction; requires petition to expunge records to be filed not less than five nor more than 20 years from date of conviction. Amends TCA Section 40-32-101. by \*Stulce(\*SB1712 by \*Crutchfield).

Further consideration of House Bill No. 1536, previously considered on today's Calendar.

Rep. Stulce moved that **House Bill No. 1536** be passed on third and final consideration, which motion failed by the following vote:

Ayes ..... 7  
Noes ..... 78  
Present and not voting ..... 5

Representatives voting aye were: Brown, Cantrell, Curtiss, Peach, Phillips, Shirley, Stulce -- 7.

Representatives voting no were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Phelan, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 78.

Representatives present and not voting were: Buck, Jones, R. (Shelby), Kernell, Pinion, Williams (Williamson) -- 5.

A motion to reconsider was tabled.

Rep. Ritchie moved that **House Bill No. 1536** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**Senate Bill No. 891** -- Telecommunications - Revises regulation of telecommunications service provider by public service commission; requires competition among providers to be made fair by requiring all regulation be applied impartially and without discrimination. Amends TCA Title 65, Chapter 4, Parts 1, 2; Title 65, Chapter 5, Part 2. by \*Rochelle, \*Henry, \*Atchley, \*Rice, \*Hamilton(\*HB695 by \*Bragg, \*Purcell, \*Jackson, \*Robinson, \*Napier, \*Bell, \*Wood, \*Davidson, \*Pinion, \*McAfee, \*Ford S).

Further consideration of House Bill No. 891, previously considered on April 17, 1995, April 26, 1995, and May 17, 1995, at which time the House Bill was substituted for the Senate Bill, and reset to today's Calendar.

Rep. Bragg moved that Senate Bill No. 891 be moved down ten places on today's Calendar, which motion prevailed.

**House Bill No. 884** -- Motor Vehicles, Titling and Registration - Increases violations and penalties for failure to endorse or deliver certificate of title, failure to discharge lien, failure to report discharge of lien and failure to properly enter transferee name on certificate from Class C to Class B misdemeanors. Amends TCA Title 55, Chapters 3, 4. by \*Callicott, \*Williams (Williamson), \*Odom, \*Kisber, \*Phelan, \*Turner (Hamilton)(\*SB622 by \*Person, \*Kyle, \*Person, \*McNally).



Rep. Callicott moved that House Bill No. 884 be reset to the first Calendar of January, 1996, which motion prevailed.

**House Bill No. 890** -- Business and Commerce - Requires open booths in adult-oriented establishments; restricts opening and closing times. Amends TCA Title 7, Chapter 51. by \*Burchett, \*Newton, \*Dunn, \*Boyer, \*Hassell, \*Halteman Harwell, \*Haley, \*Shirley, \*Walley, \*Joyce, \*Jackson(\*SB226 by \*Rice, \*Carter, \*Fowler, \*Elsea, \*Crowe, \*Gilbert, \*Jordan, \*McNally, \*Miller J, \*Leatherwood).

On motion, House Bill No. 890 was made to conform with **Senate Bill No. 226**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 226 be passed on third and final consideration.

On motion, Rep. Jones R(Shelby) withdrew State and Local Government Committee Amendment No. 1.

Rep. Burchett moved that **Senate Bill No. 226** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	1
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Jones, R. (Shelby) - 1.

A motion to reconsider was tabled.

**House Bill No. 503** -- Courts, Juvenile - Abolishes determinate sentencing of juveniles in juvenile courts; applies prospectively; affects only sentences imposed after effective date. Amends TCA 37-1-137. by \*Buck(\*SB14 by \*Person).

Further consideration of House Bill No. 503, previously considered on April 24, 1995, May 15, 1995, and May 18, 1995, and reset to today's Calendar.

Rep. Buck requested that House Bill No. 503 be moved down five places on today's Calendar, which motion prevailed.

**\*House Bill No. 186 -- Metropolitan Government - Changes allocation of tourist accommodation tax by allocating one third of tax presently designated for promotion of tourist activities to general fund. Amends TCA Title 7. by \*Odom(SB959 by \*Haynes, \*Henry, \*Harper).**

Further consideration of House Bill No. 186, previously considered on May 18, 1995, and reset to today's Calendar.

Rep. Odom moved that House Bill No. 186 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 186 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 7-67-109, is amended by adding the following new subsection immediately before current subsection (18):

( ) Enter into any contract to facilitate the location of a professional sports team in a project located in a metropolitan government, make any payments required thereunder and borrow funds for the purpose of making any such payment as provided in this Chapter.

Section 2. Tennessee Code Annotated, Section 7-67-108(a), is amended by adding the following sentences at the end thereof:

In counties having a metropolitan form of government the directors shall be appointed by the chief executive officer of the metropolitan government and confirmed by the governing body of the metropolitan government. At the time of the appointment of the first board of directors, the chief executive officer of the metropolitan government shall designate which directors shall have an initial term of two (2) years, which shall have an initial term of four (4) years; and which shall have an initial term of six (6) years.

Section 3. Tennessee Code Annotated, Section 7-67-116, is amended by adding the following sentence at the end thereof:

In addition to the powers granted herein, any metropolitan government is authorized to aid or otherwise provide assistance to an authority created pursuant to the provisions of this chapter by such metropolitan government by entering into contracts with any other

party in furtherance of the purposes of this chapter, for such term or terms and upon such conditions as may be determined by the governing body of such metropolitan government.

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 186 by adding the language " funded from revenues other than tax revenues" at the end of the amendatory language of Section 1, as amended by House State & Local Government Committee Amendment No. 1, between the word " Chapter" and the period.

Rep. Langster moved the previous question on Amendment No. 2, which motion prevailed.

On motion, Amendment No. 2 was adopted.

Rep. Pruitt moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 186 by inserting the following language between the first and second sentences of the amendatory language of Section 2, as amended by House State & Local Government Committee Amendment No. 1:

One (1) director shall be a female and one (1) director shall be a racial minority.

On motion, Amendment No. 3 was adopted.

Rep. Jones R(Shelby) moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 186 by inserting the language " or in any county having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census" in the amendatory language of Section 1 as amended by House State & Local Government Committee Amendment No. 1 after the language " metropolitan government" and before the comma.

AND FURTHER AMEND the amendatory language of Section 3, as amended by House State & Local Government Committee Amendment No. 1, by:

(1) inserting the language " or legislative bodies of municipalities, acting jointly, in any county having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census" between the language " any metropolitan government" and the language " is authorized" ;

(2) inserting the language " or municipalities, acting jointly, in any county having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census" between the language " by such metropolitan government" and the language " by entering" ; and

(3) inserting the language " or legislative bodies of municipalities, acting jointly, in any county having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census" between the language " of such metropolitan government" and the period at the end of the Section.

On motion, Amendment No. 4 was adopted.

Rep. Odom moved that **House Bill No. 186**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0  
Present and not voting ..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Haley, Shirley -- 2.

A motion to reconsider was tabled.

**House Bill No. 341** -- Campaigns - Requires disclosure of occupation and employer of campaign contributors. Amends TCA Title 2, Chapter 10, Part 1. by \*Kisber, \*Stamps. (\*SB29 by \*Cohen).

Further consideration of House Bill No. 341, previously considered on March 8, 1995, March 29, 1995, April 19, 1995, and May 18, 1995, and reset to today's Calendar.

Rep. Kisber requested that House Bill No. 341 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 526** -- Courts, Juvenile - Extends jurisdiction, concurrent with circuit and chancery courts, to juvenile courts with regard to proceedings arising from the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Amends TCA 37-1-104. by \*Hassell(\*SB20 by \*Person).

Further consideration of House Bill No. 526, previously considered on May 22, 1995, and reset to today's Calendar.

On motion, House Bill No. 526 was made to conform with **Senate Bill No. 20**; the Senate Bill was substituted for the House Bill.

Rep. Hassell moved that Senate Bill No. 20 be passed on third and final consideration.

Rep. Purcell moved the previous question, which motion prevailed.

Rep. Hassell moved that **Senate Bill No. 20** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callcott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 798** -- Regional Authorities - Requires annual, rather than quarterly, board meetings; allows creation of executive committee; allows contracting for operational services including professional planning, engineering, management, operations and support services. Amends TCA Title 64, Chapter 8, Part 1. by\*Robinson (\*SB918by\*Womack).

Further consideration of House Bill No. 798, previously considered on May 22, 1995, and reset to today's Calendar.

On motion, House Bill No. 798 was made to conform with **Senate Bill No. 918**; the Senate Bill was substituted for the House Bill.

Rep. Robinson moved that **Senate Bill No. 918** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1551** -- Human Rights - Permits human rights commission and complainant to seek various types of judicial review, including injunctive relief, restraining orders and compliance orders, against respondent charged with discriminatory practices in either chancery court or circuit court; allows complainant to file civil suit for actual damages incurred because of discriminatory practice or for discriminatory housing practices in either chancery or circuit court. Amends TCA Title 4, Chapter 21. by \*Rigsby, \*Fowlkes, \*Rhinehart, \*Lewis, \*Hargrove(\*SB1636 by \*Cooper).

Further consideration of House Bill No. 1551, previously considered on May 22, 1995, and reset to today's Calendar.

Rep. Rigsby moved that **House Bill No. 1551** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton,

Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 503** -- Courts, Juvenile - Abolishes determinate sentencing of juveniles in juvenile courts; applies prospectively; affects only sentences imposed after effective date. Amends TCA 37-1-137. by \*Buck(\*SB14 by \*Person).

Further consideration of House Bill No. 503, previously considered on today's Calendar.

Rep. Buck moved that **House Bill No. 503** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 577** -- Motor Vehicles, Titling and Registration - Permits Shelby County clerk to assess \$2.50 for motor vehicle registration fees. Amends TCA Title 55, Chapter 6. by \*Miller L(\*SB387 by \*Ford J).

Further consideration of House Bill No. 577, previously considered on May 22, 1995, and reset to today's Calendar.

Rep. Miller moved that **House Bill No. 577** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**\*Senate Bill No. 882** -- Fees - Increases clerk's commission from 5 to 10 percent for clerks of various courts in Shelby County for performing various services; authorizes certain new fees for such clerks. Amends TCA 8-14-205; Title 8, Chapter 21; 36-3-604; 40-24-101; 40-3-206; 40-11-204; 40-14-202. by \*Ford J, \*Dixon(HB985 by \*DeBerry L, \*Kent).

Further consideration of Senate Bill No. 882, previously considered on today's Calendar.

Rep. Kent requested that Senate Bill No. 882 be moved down ten places on today's Calendar, which motion prevailed.

**Senate Bill No. 891** -- Telecommunications - Revises regulation of telecommunications service provider by public service commission; requires competition among providers to be made fair by requiring all regulation be applied impartially and without discrimination. Amends TCA Title 65, Chapter 4, Parts 1, 2; Title 65, Chapter 5, Part 2. by \*Rochelle, \*Henry, \*Atchley, \*Rice, \*Hamilton(\*HB695 by \*Bragg, \*Purcell, \*Jackson, \*Robinson, \*Napier, \*Bell, \*Wood, \*Davidson, \*Pinion, \*McAfee, \*Ford S).

Further consideration of Senate Bill No. 891, previously considered on today's Calendar.

Rep. Bragg moved that Senate Bill No. 891 be moved down ten places on today's Calendar, which motion prevailed.

**House Bill No. 1884** -- Gallatin - Subject to local approval, increases compensation of aldermen and alderwomen. Amends Chapter 67 of the Private Acts of 1953, as amended. by \*Stamps, \*McDonald(SB1869 by \*Wright).

Further consideration of House Bill No. 1884, previously considered on May 22, 1995, and reset to today's Calendar.

Rep. Stamps moved that **House Bill No. 1884** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	78
Noes .....	6
Present and not voting .....	11

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Roach, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Arriola, Buck, Burchett, Cross, Pinion, Ridgeway -- 6.

Representatives present and not voting were: Eckles, Hargrove, Joyce, Lewis, Rinks, Ritchie, Sharp, West, White, Williams (Union), Williams (Williamson) -- 11.

A motion to reconsider was tabled.

**House Bill No. 1752** -- Business and Commerce - Enacts "Tennessee Industrial Finance Corporation Act." by \*Purcell, \*Kisber, \*Rhinehart, \*Bragg, \*Head, \*Hargrove, \*Bittle, \*Jones R (Shelby), \*DeBerry L, \*Walley, \*Chumney, \*Gunnels, \*Jackson(\*SB1621 by \*Wildner, \*Atchley, \*Crutchfield, \*Rochelle, \*Koella, \*Person, \*Henry, \*Haynes, \*Ford J, \*Cohen, \*O'Brien).

Further consideration of House Bill No. 1752, previously considered on May 18, 1995 and May 22, 1995, and reset to today's Calendar.

On motion, House Bill No. 1752 was made to conform with **Senate Bill No. 1621**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 1621 be passed on third and final consideration.



On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 3.

Rep. Brooks moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 1621 by inserting the following as Section \_\_\_\_ and renumbering the final Section:

Section \_\_\_\_\_. In implementing the provisions of this act, the state shall aggressively seek racial diversity by enlisting ethnic minority participation on all levels. No person shall be excluded from participation in, or be denied the benefits of any program or activity receiving funding as a result of implementation of this act on grounds of race or color.

Rep. Purcell moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes ..... 87  
Noes ..... 7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Brooks, Brown, Cantrell, DeBerry, L., Jones, U. (Shelby), Pruitt, Turner (Shelby) -- 7.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Purcell moved that **Senate Bill No. 1621**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0  
Present and not voting ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole

(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 98.

Representatives present and not voting were: Mr. Speaker Naifeh -  
- 1.

A motion to reconsider was tabled.

**\*Senate Bill No. 1560** -- Sentencing - Requires administrators of local jails to publish method by which jail calculates service of hour, day or month for persons serving criminal sentence on non-continuous days; provides that first 48 hours of any sentence that may be served on non-consecutive days must be served hour for hour. Amends TCA Title 40, Chapter 35. by \*Kyle(HB1357 by \*Buck).

Further consideration of Senate Bill No. 1560, previously considered on May 22, 1995, at which time the House Bill was substituted for the Senate Bill, and reset to today's Calendar.

Rep. Buck moved that **Senate Bill No. 1560** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1306** -- Cocke County - Subject to local approval, provides for licensure and regulation of commercial outfitters, authorizes privilege tax on use of watercraft on those portions of Pigeon and French Broad Rivers. by \*Davis(SB1581 by \*Haun).

Further consideration of House Bill No. 1306, previously considered on May 22, 1995, and reset to today's Calendar.

Rep. Davis requested that House Bill No. 1306 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 1153** -- Health, Dept. of - Clarifies that certain boards are under division of health related boards for purpose of enforcing civil penalties imposed by such boards. Amends TCA Title 68, Chapter 1. by \*Armstrong, \*Ritchie, \*Turner (Shelby), \*Jones R (Shelby), \*Miller L, \*DeBerry L, \*DeBerry J, \*Towns, \*Brooks, \*Pruitt, \*Bowers (\*SB158 by \*Haynes).

Further consideration of House Bill No. 1153, previously considered on May 15, 1995 and May 22, 1995, and reset to today's Calendar.

Rep. Armstrong requested that House Bill No. 1153 be moved down five places on today's Calendar, which motion prevailed.

**\*House Bill No. 1195** -- Health - Establishes central immunization registry; provides free vaccines for immunizing children, born after 1/1/96, through first 24 months of life. Amends TCA Title 37, Chapter 10, Part 4. by \*Purcell, \*Turner (Hamilton), \*Bragg, \*Chumney, \*Givens, \*Armstrong, \*DeBerry L, \*Whitson, \*Duer, \*Brown. (SB1520 by \*Harper, \*Person, \*Dixon, \*Crutchfield, \*Rice, \*Elsea, \*Rochelle, \*Jordan, \*Henry, \*Springer).

Rep. Purcell moved that House Bill No. 1195 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1195 by deleting the amendatory language of Section 1(b) and by substituting instead the following:

(b) Subject to availability of funding for such purpose, the department of health is authorized to provide free vaccine, through the first twenty-four(24) months of life, for Tennessee children born after January 1, 1996.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1195 by adding the following language at the end of the amendatory language of Section 1(b):

If an administration fee is charged by a health provider receiving this vaccine, such fee may not exceed the administration fee established by the Health Care

Financing Administration under the Vaccines for Children  
Program established in the Omnibus Budget Reconciliation Act of  
1993.

On motion, Amendment No. 2 was adopted.

Rep. Patton moved the previous question, which motion prevailed.

Rep. Purcell moved that **House Bill No. 1195**, as amended, be  
passed on third and final consideration, which motion prevailed by the  
following vote:

Ayes ..... 91  
Noes ..... 4

Representatives voting aye were: Armstrong, Arriola, Beavers,  
Bell, Bird, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd,  
Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole  
(Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L.,  
Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Haley, Halteman  
Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R.  
(Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber,  
Langster, Lewis, McAfee, McDonald, McKee, McMillan, Miller, Napier,  
Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell,  
Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp,  
Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner  
(Shelby), Venable, Walley, West, Westmoreland, White, Whitson,  
Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr.  
Speaker Naifeh -- 91.

Representatives voting no were: Gunnels, Kerr, McDaniel,  
Rhinehart -- 4.

A motion to reconsider was tabled.

**House Bill No. 1298** -- Veterinarians - Provides that  
veterinarians who supervise health department sponsored rabies clinics  
not subject to suit arising from such supervision. Amends TCA Title  
68, Chapter 8. by \*Hargrove, \*Haley(\*SB1452 by \*Burks).

On motion, House Bill No. 1298 was made to conform with **Senate  
Bill No. 1452**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 1452 be passed on third  
and final consideration.

On motion, Rep. Jackson withdrew Judiciary Committee Amendment  
No. 1.

Rep. Jackson moved adoption of Judiciary Committee Amendment No.  
2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1452 by deleting the amendatory  
language of Section 1 in its entirety and substituting  
instead the following language:

( ) Any licensed veterinarian who provides services to vaccinate animals against rabies, which is sponsored by a county health department or municipality in accordance with Title 68, Chapter 8, shall not by such participation assume any responsibility or liability for the supervision of the site or location where the rabies program is conducted which responsibility and liability shall be borne by the sponsoring county or municipality.

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved that **Senate Bill No. 1452**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1352** -- County Officers - Makes temporary citizen commission of government officials compensation permanent; removes February 1, 1995 deadline for filing of commission's report and recommendations to general assembly. Amends TCA Title 5, Chapter 6; Titles 8, 18; Title 54, Chapter 7; Title 67, Chapter 1, Part 5. by \*Kisber (\*SB869 by \*Haun, \*Wallace, \*Crowe).

On motion, House Bill No. 1352 was made to conform with **Senate Bill No. 869**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 869 be passed on third and final consideration.

On motion, Rep. Jones R(Shelby) withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2.

Rep. Boyer moved the previous question, which motion failed by the following vote:

Ayes ..... 50  
 Noes ..... 39

Representatives voting aye were: Armstrong, Bird, Bittle, Boyer, Bragg, Byrd, Callicott, Cantrell, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, Fitzhugh, Fowlkes, Givens, Gunnels, Halteman Harwell, Hicks, Huskey, Kent, Kernell, Kisber, Lewis, McDaniel, McDonald, McKee, McMillan, Napier, Patton, Phelan, Phillips, Pinion, Rhinehart, Rigsby, Rinks, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, West, Westmoreland, White, Williams (Union), Williams (Williamson), Wood -- 50.

Representatives voting no were: Arriola, Beavers, Bell, Bowers, Brooks, Brown, Burchett, Chumney, Clabough, Coffey, Davidson, DeBerry, L., Duer, Dunn, Ford, Garrett, Haley, Hargrove, Hassell, Herron, Jackson, Jones, S., Jones, U. (Shelby), Kerr, Langster, McAfee, Miller, Newton, Odom, Pruitt, Ramsey, Ridgeway, Ritchie, Shirley, Towns, Turner (Shelby), Whitson, Windle, Winningham -- 39.

Rep. Kisber moved that Senate Bill No. 869 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes ..... 56  
 Noes ..... 31  
 Present and not voting ..... 1

Representatives voting aye were: Armstrong, Bell, Bird, Bittle, Boyer, Bragg, Brown, Burchett, Byrd, Callicott, Cantrell, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, Eckles, Fowlkes, Givens, Gunnels, Halteman Harwell, Head, Hicks, Huskey, Kent, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Napier, Patton, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, West, Westmoreland, White, Williams (Union), Williams (Williamson), Winningham -- 56.

Representatives voting no were: Arriola, Beavers, Bowers, Brooks, Chumney, Clabough, Coffey, DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Garrett, Haley, Hargrove, Hassell, Herron, Jackson, Jones, S., Jones, U. (Shelby), Kerr, McAfee, Miller, Newton, Odom, Peach, Ridgeway, Ritchie, Shirley, Turner (Shelby), Windle -- 31.

Representatives present and not voting were: Kernell -- 1.

Rep. Kisber moved that Senate Bill No. 869 be reset to the Calendar for Thursday, May 25, 1995, which motion prevailed.

**House Bill No. 880** -- District Attorneys - Authorizes additional criminal investigator for 8th judicial district. Amends TCA Title 16, Chapter 2, Part 5. by \*Winningham, \*Windle, \*Williams (Union), \*Cross(\*SB1244 by \*O'Brien).

Rep. Cross requested that House Bill No. 880 be moved to the heel of the Calendar, which motion prevailed.

**\*Senate Bill No. 882** -- Fees - Increases clerk's commission from 5 to 10 percent for clerks of various courts in Shelby County for performing various services; authorizes certain new fees for such clerks. Amends TCA 8-14-205; Title 8, Chapter 21; 36-3-604; 40-24-101; 40-3-206; 40-11-204; 40-14-202. by \*Ford J, \*Dixon(HB985 by \*DeBerry L, \*Kent).

Further consideration of Senate Bill No. 882, previously considered on today's Calendar.

Rep. DeBerry L moved that Senate Bill No. 882 be passed on third and final consideration.

Rep. Jones U(Shelby) moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 882 by deleting the language of the effective date section and by substituting instead the following:

This act shall take effect upon becoming a law, the public welfare requiring it; provided, however, all commission and fee increases authorized by this act shall cease to be effective on July 1, 1997.

On motion, Amendment No. 3 was adopted.

Rep. DeBerry L requested that Senate Bill No. 882 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 1153** -- Health, Dept. of - Clarifies that certain boards are under division of health related boards for purpose of enforcing civil penalties imposed by such boards. Amends TCA Title 68, Chapter 1. by \*Armstrong, \*Ritchie, \*Turner (Shelby), \*Jones R (Shelby), \*Miller L, \*DeBerry L, \*DeBerry J, \*Towns, \*Brooks, \*Pruitt, \*Bowers (\*SB158 by \*Haynes).

Further consideration of House Bill No. 1153, previously considered on today's Calendar.

On motion, House Bill No. 1153 was made to conform with **Senate Bill No. 158**; the Senate Bill was substituted for the House Bill.

Rep. Armstrong moved that **Senate Bill No. 158** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis,

McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**Senate Bill No. 891** -- Telecommunications - Revises regulation of telecommunications service provider by public service commission; requires competition among providers to be made fair by requiring all regulation be applied impartially and without discrimination. Amends TCA Title 65, Chapter 4, Parts 1, 2; Title 65, Chapter 5, Part 2. by \*Rochelle, \*Henry, \*Atchley, \*Rice, \*Hamilton(\*HB695 by \*Bragg, \*Purcell, \*Jackson, \*Robinson, \*Napier, \*Bell, \*Wood, \*Davidson, \*Pinion, \*McAfee, \*Ford S).

Further consideration of Senate Bill No. 891, previously considered on today's Calendar.

On motion, Senate Bill No. 891 was held on the Clerk's desk to be heard at the Call of Rep. Bragg, which motion prevailed.

**House Bill No. 1347** -- Education, Higher - Permits out of state students to attend certain Tennessee institutions of higher education under certain conditions without paying out of state tuition. Amends TCA Title 49. by \*Winningham(\*SB1564 by \*Womack).

Rep. Cross requested that House Bill No. 1347 be moved to the heel of the Calendar, which motion prevailed.

**\*House Bill No. 306** -- Welfare - Revises eligibility requirements and other provisions under AFDC program. Amends TCA Title 71. by \*Ritchie, \*Walley, \*Armstrong, \*Tindell (SB439 by \*Holcomb).

Rep. Ritchie moved that House Bill No. 306 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 306 by deleting Sections 1, 2, 3, and 4 in their entirety; by renumbering Section 5 as Section 1 and by renumbering the effective date section as Section 2.

On motion, Amendment No. 1 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 306 by adding the following language at the end of subsection (a) of Section 5 of the printed bill,



renumbered as Section 1 by House Health & Human Resources  
Committee Amendment No. 1:

For purposes of this subsection "dependent child"  
means the child of the minor parent applying for  
assistance.

On motion, Amendment No. 2 was adopted.

Rep. Bowers moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 306 by adding to the amendatory  
language of Section 5 the following new subsection:

(c) If the natural father of the dependent child is a  
minor, the parents of the minor father shall also have  
financial responsibility for the dependent child until the  
minor father reaches the age of majority.

Rep. Ritchie moved that Amendment No. 3 be tabled, which motion  
failed by the following vote:

Ayes ..... 33  
Noes ..... 46

Representatives voting aye were: Armstrong, Bell, Boyer,  
Burchett, Callicott, Clabough, Coffey, Davidson, Dunn, Ford, Fowlkes,  
Head, Hicks, McDonald, Patton, Pinion, Ramsey, Rhinehart, Ritchie,  
Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, Venable,  
Walley, Westmoreland, Whitson, Williams (Union), Winningham, Wood --  
33.

Representatives voting no were: Beavers, Bird, Bittle, Bowers,  
Cantrell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, DeBerry, J.,  
DeBerry, L., Duer, Fitzhugh, Givens, Gunnels, Halteman Harwell,  
Hassell, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U.  
(Shelby), Kent, Kernell, Kerr, Langster, McAfee, McDaniel, McMillan,  
Miller, Newton, Odom, Peach, Phelan, Pruitt, Purcell, Rigsby, Rinks,  
Stamps, Turner (Hamilton), Turner (Shelby), West, White, Williams  
(Williamson), Windle, Mr. Speaker Naifeh -- 46.

Rep. McAfee moved the previous question on Amendment No. 3, which  
motion prevailed.

On motion, Amendment No. 3 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee  
Amendment No. 1, as House Amendment No. 4, as follows:

**Amendment No. 4**

AMEND House Bill No. 306 by adding the following as a new  
section immediately preceding the effective date section and by  
renumbering the effective date section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, House Amendment No. 4 was adopted.

Rep. Ritchie moved that **House Bill No. 306**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Brooks, Towns, Turner (Shelby) -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 560** -- Drug and Alcohol Rehabilitation - Directs commissioner of health to develop and implement pilot demonstration project to provide culturally sensitive, effective, alcohol and drug abuse treatment, prevention and outreach services to address special needs of native American families; provides for evaluation and reporting of findings and recommendations. Amends TCA Title 68, Chapter 24. by \*Brown, \*Turner (Shelby), \*Langster, \*Pruitt, \*Jones R (Shelby), \*Armstrong, \*Cantrell (SB1067 by \*Crutchfield, \*Harper).

On motion, House Bill No. 560 was made to conform with **Senate Bill No. 1067**; the Senate Bill was substituted for the House Bill.

Rep. Brown moved that Senate Bill No. 1067 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Brown moved that **Senate Bill No. 1067** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 551** -- Taxes, Real Property - Exempts real property held by conservation organizations from property taxation if used for conservation purposes; continues exemption if property transferred from one organization to another. Amends TCA Title 67, Chapter 5. by \*Westmoreland, \*Kisber, \*Venable, \*Ramsey, \*Cole (Carter), \*Rinks, \*Whitson, \*Callicott, \*Williams (Union), \*Hicks, \*Givens, \*Phelan, \*Cole (Dyer) (\*SB125 by \*Holcomb).

Rep. Westmoreland moved that House Bill No. 551 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 551 by deleting the language "There shall be exempt from property taxation any real property" from the amendatory language of Section 1 and by substituting instead the language "Upon adoption of a resolution by a two-thirds (2/3) vote of the county legislative body, there shall be exempt from property taxation any real property in such county"

On motion, Amendment No. 1 was adopted.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 2**

AMEND House Bill No. 551 by adding the following new section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

On motion, Amendment No. 1 was adopted.

Rep. Westmoreland moved that **House Bill No. 551**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Maltzman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**ENROLLED BILLS**  
**May 24, 1995**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 1649.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**May 24, 1995**

The Speaker signed the following: House Bill(s) No(s). 1649.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 325 and 326; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 129. The resolution passed three readings in the Senate by a roll call vote, in accordance with Article XI, Section 3, Constitution of the State of Tennessee.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE GOVERNOR**  
**May 24, 1995**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 851, 948, 1190, 1403, 1527, 1787 and 1790; also, House Joint Resolution(s) No(s). 220, 234, 264, 265, 266, 267, 269, 272, 275, 276, 279, 282, 283, 284, 285, 286, 287, 288, 289, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 302, 303, 304, 305 and 306; with his approval.

HARDY MAYS, Counsel to the Governor.

**ENGROSSED BILLS**  
**May 24, 1995**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 134, 1434, 1551, 1884, 1913, 1923, 1924, 1925, 1928, 1929, 1930, 1931, 1933, 1934, 1935 and 1937; also, House Joint Resolution(s) No(s). 41, 210, 278, 327, 328, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347 and 348.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**May 24, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 186 and 1195.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**May 24, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 306 and 551.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 514, 1078, 1713 and 1914; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 50; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**RECESS MOTION**

On motion of Rep. Purcell, the following Committees will meet during recess: Agriculture Committee to consider House Bill No. 915 and House Joint Resolution No. 358; Finance, Ways and Means Committee

to consider House Bill No. 245; Health and Human Resources Committee to consider House Bill No. 712 and House Resolution No. 141 and Calendar and Rules Committee to consider any bills passed to that Committee. The House then recessed until 1:30 p.m.

#### REPORTS FROM STANDING COMMITTEES

The committees that met on **May 24, 1995** reported the following:

##### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 25, 1995**: House Bill(s) No(s). 712, 915 and 245.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 25, 1995**: House Joint Resolution(s) No(s). 358 and House Resolution(s) No(s). 69 141.

##### AGRICULTURE

The Agriculture Committee recommended for passage: House Joint Resolution(s) No(s). 358; also House Bill(s) No(s). 915 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

##### FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 245 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

##### HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 712 and House Resolution(s) No(s). 141. Under the rules, each was transmitted to the Calendar and Rules Committee.

##### RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

##### ROLL CALLED DISPENSED WITH

On motion of Rep. Purcell, the roll call was dispensed with.

##### SPECIAL CONSENT CALENDAR

**\*House Bill No. 1196** -- Children -- Increases number of family resource centers eligible to receive state grants; increases, from five to ten, number of counties participating in healthy start pilot project. Amends TCA Section 37-3-703 and Section 49-2-115. by \*Purcell(SB1519 by \*Rochelle, \*Harper, \*Crutchfield, \*Dixon, \*Jordan, \*Elsea, \*Henry, \*Springer, \*Person).

**House Bill No. 1750** -- Judicial Officers -- Increases compensation for senior judges; requires judicial council to recommend

to general assembly number of assistant district public defender positions that need to be created in order to expedite death penalty appeals. Amends TCA Titles 17, 39. by \*Purcell, \*Jackson, \*Williams (Williamson), \*Buck, \*Rhinehart(\*SB13 by \*Person).

**\*House Resolution No. 94** -- General Assembly, Studies -- Creates special study committee to study adoption of statewide electrical code. by \*Buck.

**\*Senate Joint Resolution No. 182** -- General Assembly, Studies - Directs select oversight committee on education to study governing structure of public school system, including elementary, secondary and higher education. by \*Womack.

**\*House Joint Resolution No. 281** -- General Assembly, Studies -- Requests joint education oversight committee to study distribution of local education funds on ADM basis. by \*Davidson.

**\*House Joint Resolution No. 301** -- General Assembly, Studies - Creates special study committee to study impact of transfer of social service programs to state governments via use of federal block grants. by \*Armstrong, \*Tindell, \*Winningham, \*Bowers, \*Jones U(Shelby).

**\*House Joint Resolution No. 329** -- General Assembly, Statement of Intent or Position-Endorses concept of designating S.R. 269 in Bedford County as scenic highway upon two-thirds vote of Bedford County Commission approving such action. by \*Phillips.

**House Joint Resolution No. 290** -- General Assembly, Confirmation of Appointment - Alan R. Hubbard, Registry of Election Finance. by \*Stamps.

**House Bill No. 1758** -- Appropriations - Declares that no state funds for appeal of capital cases shall be appropriated for allocation to Capital Case Resource Center of Tennessee, Inc., or any other non-governmental corporation or organization. Amends TCA Title 9. by \*Bittle, \*Stamps, \*McDaniel, \*Kisber, \*Williams (Union), \*Roach, \*Kent, \*Bird, \*Ramsey, \*McKee, \*Kerr, \*Davis, \*Callicott, \*Coffey, \*Clabough, \*Newton, \*Venable, \*Duer, \*Peach, \*Patton, \*Beavers, \*Cantrell, \*Sharp, \*Wood, \*Ford S, \*Shirley, \*Haley, \*Buck, \*Dunn(\*SB1743 by \*Leatherwood, \*Atchley, \*Person, \*McNally, \*Rice, \*Holcomb, \*Wright, \*Gilbert, \*Carter, \*Haun, \*Miller J, \*Fowler, \*Hamilton)

**\*House Bill No. 307** -- DUI/DWI Offenses -- Increases from Class C to Class B felony, vehicular homicide as result of intoxicated driver. Amends TCA 39-13-213. by \*Ritchie, \*Patton(SB836 by \*Person).

**House Bill No. 1763** -- Sentencing -- Provides that presumptive sentence for Class A felony shall change from minimum sentence in range to midpoint of range; other presumptive felony sentences would be unchanged. Amends TCA 40-35-210. by \*Bittle, \*Kisber, \*Williams (Union), \*Roach, \*Kent, \*Ramsey, \*Kerr, \*Beavers, \*Clabough, \*Davis, \*Westmoreland, \*Callicott, \*Patton, \*Newton, \*Venable, \*Duer, \*Peach, \*Cantrell, \*Sharp, \*Wood, \*Ford S, \*Bird, \*Shirley, \*Stamps, \*Haley, \*Dunn(\*SB1748 by \*Person, \*Atchley, \*Leatherwood, \*McNally, \*Wright, \*Rice, \*Miller J, \*Fowler, \*Hamilton).

**House Bill No. 1768** -- Criminal Offenses -- Redefines "burglary" to include that entry was with intent to commit assault as well as felony or theft; adds boats to list of items that are covered by burglary. Amends TCA 39-14-402. by \*Bittle, \*Stamps, \*McDaniel, \*Kisber, \*Williams (Union), \*Roach, \*Kent, \*Bird, \*Ramsey, \*Kerr, \*Clabough, \*Davis, \*Westmoreland, \*Coffey, \*Callicott, \*Walley, \*Sharp, \*Newton, \*Venable, \*Peach, \*Cantrell, \*Ford S, \*Haley, \*Shirley, \*Wood, \*Duer, \*Patton, \*Dunn(\*SB1753 by \*Person, \*Atchley, \*Elsa, \*Holcomb, \*Leatherwood, \*McNally, \*Gilbert, \*Miller J, \*Carter, \*Haun, \*Jordan, \*Fowler, \*Hamilton).

**House Bill No. 1921** -- Courts, General Sessions -- Allows Robertson County general sessions court judge to appoint own court officers. Amends TCA 88-201. by \*Davidson(\*SB1913 by \*Wright).

On motion, House Bill No. 1921 was made to conform with **Senate Bill No. 1913**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 129** -- Memorials, Interns--Mary Suzanne Tilley, House Clerk's Page. by \*Jackson.

**House Resolution No. 130** -- Memorials, Interns--Jennifer Nicole Slaughter, House Clerk's page. by \*Jackson.

**House Resolution No. 131** -- Memorials, Recognition and Thanks--U.S.C.G. Loran Unit 333, Reunion June 1, 1995. by \*Gunnels.

**House Resolution No. 132** -- Memorials, Personal Occasion--Mr. and Mrs. David Daniels, 40th Wedding Anniversary. by \*Williams(Union).

**House Resolution No. 133** -- Memorials, Personal Occasion--Mr. and Mrs. Jesse Rogers, 50th Wedding Anniversary. by \*Williams(Union).

**House Resolution No. 140** -- Memorials, Personal Occasion--Mr. and Mrs. Carl Keller, 50th Wedding Anniversary. by \*Williams(Union).

**House Resolution No. 139** -- Memorials, Professional Achievement--Jim and Ann Shipley, Agriculture/Forestry Environmental Stewardship Award. by \*Williams(Union).

**House Resolution No. 134** -- Memorials, Professional Achievement--Jim Welch. by \*Williams(Union).

**House Resolution No. 135** -- Memorials, Personal Occasion--Reverend and Mrs. Sam Ayers, 40th wedding anniversary. by \*Williams(Union).

**House Resolution No. 136** -- Memorials, Retirement--J. C. Gilpin, United States Postal Service. by \*Williams(Union).

**House Resolution No. 137** -- Memorials, Recognition and Thanks--Hillbilly Bill Hatfield and Hillbilly Sawmill. by \*Williams(Union).

**House Resolution No. 138** -- Memorials, Personal Occasion--Mr. and Mrs. Arthur Russell, 49th Wedding Anniversary. by \*Williams(Union).



House Joint Resolution No. 350 -- Memorials, Sports--1994  
Kingsport Christian High School baseball team. by \*Ramsey.

House Joint Resolution No. 351 -- Memorials, Professional  
Achievement--Mark Storey, Police Officer of the Year. by \*Byrd.

House Joint Resolution No. 352 -- Memorials, Retirement--James  
R. Jenkins. by \*West.

House Joint Resolution No. 353 -- Memorials, Professional  
Achievement--Ken Mote, Firefighter of the Year. by \*Byrd.

House Joint Resolution No. 354 -- Memorials, Professional  
Achievement--Cherry Jones, Tony Award nominee for "The Heiress." by  
\*Ridgeway.

House Joint Resolution No. 355 -- Memorials, Retirement--Denny  
H. "Jack" Brewer. by \*McKee, \*Newton, \*Naifeh, \*Bird.

House Joint Resolution No. 356 -- Memorials, Retirement--Ed  
Murray, Claims Commission by \*Naifeh, \*Rigsby, \*Rhinehart.

House Joint Resolution No. 357 -- Memorials, Sports--1994-1995  
Franklin County South Junior High School girls' basketball team. by  
\*Rigsby.

\*Senate Joint Resolution No. 193 -- General Assembly, Directed  
Studies -- Requests state board of education to provide information to  
senate and house education committees on number of 16 grade suspended  
or expelled students and facilities for them; urges LEAs to place such  
students in existing alternative schools. by \*Womack.

#### OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent  
Calendar:

House Bill No. 1750: by Rep. Shirley.

Under the rules, House Bill No: 1750 was/were placed at the foot  
of the calendar for May 25, 1995.

Pursuant to Rule No. 50, Rep. Phillips moved that all House  
Bills having companion Senate Bills and are on the Clerk's desk be  
conformed and substituted for the appropriate House Bill, all Senate  
and House Bills on the Special Consent Calendar be passed on third and  
final consideration, all House Resolutions and House Joint Resolutions  
be adopted, and all Senate Joint Resolutions on the Special Consent  
Calendar be concurred in, which motion prevailed by the following  
vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers,  
Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett,  
Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter),  
Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry,  
L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens,

Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1927; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1927** -- Tennessee Regulatory Authority -- Transfers duties and authority of public service commission; creates Tennessee regulatory authority. Amends TCA Titles 65, 2, 3, 4, 6, 7, 8, 9, 12, 13, 35, 39, 42, 47, 49, 54, 55, 58, 64, 67, 68. by \*Atchley, \*Crutchfield, \*Rochelle, \*Henry, \*Wildier.

**SUPPLEMENTAL CALENDAR**

**House Bill No. 1938** -- Public Service Commission - Deletes all references to public service commission; replaces such references with department of safety. Amends TCA Titles 65, 2, 3, 4, 6, 7, 8, 9, 12, 13, 35, 39, 42, 47, 49, 54, 55, 58, 64, 67 and 68. by \*Purcell, \*Bragg, \*Bittle, \*Naifeh(\*SB1927 by \*Atchley, \*Rochelle, \*Crutchfield, \*Wildier).

On motion, House Bill No. 1938 was made to conform with **Senate Bill No. 1927**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 1927 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Committee Amendment No. 1.

Rep. Rigsby moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1927 in Section 51(c) by deleting the language " may, upon request of a majority of the authority directors," and by substituting instead the language " shall" .

Rep. Purcell moved that Amendment No. 2 be tabled, which motion prevailed.

Rep. Rigsby moved that Amendment No. 3 be adopted.

**Amendment No. 3**

AMEND Senate Bill No. 1927 in Section 49(a) by deleting the language " ;provided, however, that such employees must have completed at least six (6) months service with the public service commission upon the effective date of this act" .

AND FURTHER AMEND in Section 51(a) by deleting the language " ;provided, however, that such employees must have completed at least six (6) months service with the public service commission upon the effective date of this section" .

AND FURTHER AMEND in Section 52(b) by deleting the language " , except as otherwise provided by this act, if such employee has been employed by the state for at least six (6) months on the effective date of this act" .

Rep. Purcell moved that Amendment No. 3 be tabled, which motion was immediately withdrawn.

Rep. Rigsby moved to withdraw the motion to adopt Amendment No. 3 and then withdrew Amendment No. 3.

Rep. Purcell moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Kisber moved the previous question, which motion prevailed.

Rep. Purcell moved that **Senate Bill No. 1927** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	4
Present and not voting .....	1

Representatives voting aye were: Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Armstrong, Arriola, Turner (Shelby), Windle -- 4.

Representatives present and not voting were: Jones, U. (Shelby) - 1.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

**Senate Bill No. 891** -- Telecommunications - Revises regulation of telecommunications service provider by public service commission; requires competition among providers to be made fair by requiring all regulation be applied impartially and without discrimination. Amends TCA Title 65, Chapter 4, Parts 1, 2; Title 65, Chapter 5, Part 2. by \*Rochelle, \*Henry, \*Atchley, \*Rice, \*Hamilton(\*HB695 by \*Bragg, \*Purcell, \*Jackson, \*Robinson, \*Napier, \*Bell, \*Wood, \*Davidson, \*Pinion, \*McAfee, \*Ford S).

Further consideration of Senate Bill No. 891, previously considered on today's Calendar.

Rep. Bragg moved that Senate Bill No. 891 be passed on third and final consideration.

Rep. Purcell moved adoption of Amendment No. 17 as follows:

**Amendment No. 17**

AMEND Senate Bill No. 891 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 4, is amended by adding the following as a new appropriately designated section:

65-4-        . Declaration Of Telecommunications Services Policy. The General Assembly declares that the policy of this state is to foster the development of an efficient, technologically advanced, statewide system of telecommunications services by permitting competition in all telecommunications services markets, and by permitting alternative forms of regulation for telecommunications services and telecommunications services providers. To that end, the regulation of telecommunications services and telecommunications services providers shall protect the interests of consumers without unreasonable prejudice or disadvantage to any telecommunications services provider; universal service shall be maintained; and, rates charged to residential customers for essential telecommunications services shall remain affordable.

SECTION 2. Tennessee Code Annotated, Section 65-4-101 is amended by adding the words and punctuation "telecommunications services," between the comma following the word "telegraph" and the words "or any other like system."

SECTION 3. Tennessee Code Annotated, Section 65-4-101, is amended by adding the following new language as Subsections (c), (d), (e), (f), (g), and (h):

(c) "Telecommunications Service Provider" means any Incumbent Local Exchange Telephone Company or certificated individual or entity, or individual or entity operating pursuant to the approval by the commission of a franchise within Section 6 of this Act, authorized by law to provide, and offering

or providing for hire, any telecommunications service, telephone service, telegraph service, paging service, or communications service similar to such services unless otherwise exempted from this definition by state or federal law.

(d) "Incumbent Local Exchange Telephone Company" means a public utility offering and providing Basic Local Exchange Telephone Service as defined by Section 65-5-208 pursuant to tariffs approved by the Commission prior to the effective date of this Act.

(e) "Competing Telecommunications Service Provider" means any individual or entity that offers or provides any two-way communications service, telephone service, telegraph service, paging service, or communications service similar to such services and is certificated as a provider of such services after the effective date of this Act unless otherwise exempted from this definition by state or federal law.

(f) "Interconnection Services" means telecommunications services, including intrastate switched access service, that allow a Telecommunications Service Provider to interconnect with the networks of all other Telecommunications Service Providers.

(g) "Current Authorized Fair Rate of Return" means:

(1) for an Incumbent Local Exchange Telephone Company operating pursuant to a regulatory reform plan ordered by the Commission under TPSC Rule 1220-4-2-.55, any return within the range contemplated by Section 1220-4-2-.55 (1)(c)(1) or 1220-4-2-.55 (d);

(2) for any other Incumbent Local Exchange Telephone Company, the rate of return on rate base most recently used by the Commission in an order evaluating its rates.

(h) "Gross Domestic Product-Price Index (GDP-PI)" used to determine limits on rate changes means the final estimate of the Chain-Weighted Gross Domestic Product-Price Index as prepared by the U.S. Department of Commerce and published in the Survey of Current Business, or its successor.

SECTION 4. Tennessee Code Annotated, Title 65, Chapter 5, Part 2, is amended by adding the following new language:

Section 65-5-207: Universal Service.

(a) Universal service, consisting of residential Basic Local Exchange Telephone

Service at affordable rates and carrier-of-last-resort obligations must be maintained after the local telecommunications markets are opened to competition. In order to ensure the availability of affordable residential Basic Local Exchange Telephone Service, the Commission shall formulate policies, promulgate rules and issue orders which require all Telecommunications Service Providers to contribute to the support of universal service.

(b) The Commission shall, within thirty (30) days of the effective date of this Act, initiate a generic contested case proceeding to determine the cost of providing universal service, determine all current sources of support for universal service and their associated amounts, identify and assess alternative universal service support mechanisms, and determine the need and timetable for modifying current universal service support mechanisms and implementing alternative universal service support mechanisms. The Commission shall issue its decision in the universal service proceeding prior to January 1, 1996.

(c) The Commission shall create an alternative universal service support mechanism that replaces current sources of universal service support only if it determines that the alternative will preserve universal service, protect consumer welfare, be fair to all Telecommunications Service Providers, and prevent the unwarranted subsidization of any Telecommunications Service Provider's rates by consumers or by another Telecommunications Service Provider. To accomplish these objectives, the Commission, if it creates or subsequently modifies an alternative universal service support mechanism, shall:

- (1) restrict recovery from the Telecommunications Service Provider to an amount equal to the support necessary to provide universal service;
- (2) consider provision of universal service by Incumbent Local Exchange Telephone Companies and by other Telecommunications Service Providers;
- (3) order only such contributions to the universal service support mechanism as are necessary to support universal service and fund administration of the mechanism;
- (4) administer the universal service support mechanism in a competitively neutral manner, and in accordance with

established Commission rules and  
federal statutes;

each (5) determine the financial effect on  
the creation or a universal service provider caused by  
universal service support modification of the  
and rebalance the effect through a one-time mechanism  
adjustment of equal amount to the rates of  
that provider;

include (6) when ordering a modification,  
universal service in the changes in the cost of providing  
by subsection (5); rebalancing required

increase in the rates (7) when performing its duties under  
Interconnection Services; and subsections (5) and (6), order no  
for any

(8) consider, at a minimum:  
(i) the amount by which the  
embedded cost of providing  
residential Basic Local  
Exchange Telephone Service exceeds the  
revenue received from the service, including the  
cost of the carrier-of-last-resort  
obligation, for both high- and  
low-density service areas;

(ii) the extent to which rates  
for residential Basic Local  
Exchange Telephone Service should  
be required to meet the standards of  
Section 65-5-208(c);

(iii) intrastate access rates  
and the appropriateness of such  
rates as a significant source of  
universal service support.

(d) The commission shall monitor the  
continued functioning of universal service  
mechanisms and shall conduct investigations,  
issue show cause orders, entertain petitions or  
complaints, or adopt rules in order to assure that the universal  
service mechanism is modified and enforced in  
accordance with the criteria set forth in  
this section.

(e) Nothing in this section shall be  
construed to require the commission to raise  
residential Basic Local Exchange Telephone  
Service rates.

SECTION 5. Tennessee Code Annotated, Section 65-4-  
203, is amended by adding the following new Subsection  
(c):

(c) The provisions of this Section shall not  
apply to Telecommunications Service Providers.

SECTION 6. Tennessee Code Annotated, Section 65-4-  
207, is amended by designating the existing language as  
Subsection (a) and by adding the following new  
Subsection (b):

(b) The provisions of this section shall not  
apply to Telecommunications Service Providers;  
provided, however, this section shall continue to  
apply with respect to any ordinance adopted, and any  
franchise granted pursuant to such an ordinance, prior to the  
effective date of this Act.

SECTION 7. Tennessee Code Annotated, Section 65-4-  
201, is amended by designating the existing language as  
subsection (a) and by adding new subsections (b), (c)  
and (d) as follows:

(b) Except as exempted by provisions of  
state or federal law, no individual or entity  
shall offer or provide any individual or group of  
telecommunications services, or extend its territorial areas of  
operations without first obtaining from the Commission a  
certificate of convenience and necessity for such  
service or territory; provided, however, that no  
Telecommunications Services Provider offering and  
providing a Telecommunications Service under the authority of the  
Commission on the effective date of this Act  
shall be required to obtain additional authority in  
order to continue to offer and provide such  
Telecommunications Services as it offers and provides as of  
such effective date.

(g) After notice to the Incumbent Local  
Exchange Telephone Company and other interested  
parties and following a hearing, the Commission shall  
grant a certificate of convenience and necessity to  
a Competing Telecommunications Service Provider if after  
examining the evidence presented, the Commission  
finds:

(i) The applicant has demonstrated that it  
will adhere to all applicable Commission  
policies, rules and orders; and  
(ii) The applicant possesses sufficient  
managerial, financial and technical  
abilities to provide the applied for services.

A Commission order, including appropriate  
findings of fact and conclusions of law, denying or  
approving, with or without modification, an  
application for certification of a Competing  
Telecommunications Service Provider shall be entered no more than



sixty (60) days from the filing of the application.

(d) Subsection (g) shall not be applicable to areas served by an Incumbent Local Exchange Telephone Company with fewer than 100,000 total access lines in this state unless such company voluntarily enters into an interconnection agreement with a Competing Telecommunications Service Provider or unless such Incumbent Local Exchange Telephone Company applies for a certificate to provide telecommunications services in an area outside its service area existing on the effective date of this Act.

SECTION 8. Tennessee Code Annotated, Title 65, Chapter 4, is amended by adding the following as a new appropriately designated section:

65-4-\_\_\_\_\_. Administrative Rules.

(a) All Telecommunications Services Providers shall provide non-discriminatory interconnection to their public networks under reasonable terms and conditions; and all Telecommunications Services Providers shall, to the extent that it is technically and financially feasible, be provided desired features, functions and services promptly, and on an unbundled and non-discriminatory basis from all other Telecommunications Services Providers.

(b) Prior to January 1, 1996, the Commission shall, at a minimum, promulgate rules and issue such orders as necessary to implement the requirements of subsection (a) and to provide for unbundling of service elements and functions, terms for resale, interLATA presubscription, number portability, and packaging of a Basic Local Exchange Telephone Service or unbundled features or functions with services of other providers.

These rules shall also ensure that all Telecommunications Services Providers who provide Basic Local Exchange Telephone Service or its equivalent provide each customer a basic White Pages directory listing, provide access to 911 Emergency Services, provide free blocking service for 900/976 type services, provide access to Telecommunications Relay Services, provide Lifeline and Link-Up Tennessee services to qualifying citizens of the state and provide educational discounts existing on the effective date of this act.

(c) The granting of applications for certificates of convenience and necessity to Competing Telecommunications Service Providers or the adoption of a price regulation plan for Incumbent Local Exchange Telephone Companies shall not be dependent upon the promulgation of these rules.

SECTION 9. Tennessee Code Annotated, Title 65,  
Chapter 5, Part 2, is amended by adding the following  
new language as:

Section 65-5-208. Competitive Rules

(a) Services of Incumbent Local Exchange  
Telephone Companies who apply for price  
regulation under Section 65-5-209 shall be  
classified as follows:

1. "Basic Local Exchange Telephone  
Services" are telecommunications  
services which are comprised of an  
access line, dial tone, touch-tone and  
usage provided to the premises for the provision of two  
way switched voice or data transmission over voice  
grade facilities of residential customers  
or business customers within a local  
calling area, Lifeline, Link-Up Tennessee,  
911 Emergency Services and educational  
discounts existing on the effective date of this act or  
other services required by state or federal  
statute. These services shall, at a  
minimum, be provided at the same level  
of quality as is being provided on the  
effective date of this act. Rates for these services shall  
include both recurring and nonrecurring charges.

2. "Non-Basic Services" are  
telecommunications services which  
are not defined as Basic Local Exchange  
Telephone Services and are not exempted under  
subsection (b). Rates for these services shall include  
both recurring and nonrecurring  
charges.

(b) The Commission, after notice and  
opportunity for hearing, may find that the  
public interest and the policies set forth  
herein are served by exempting a service or group of  
services from all or a portion of the requirements of this part.  
Upon making such a finding, the Commission may  
exempt Telecommunications Service Providers  
from such requirements as appropriate. The  
Commission shall in any event exempt a  
telecommunications service for which existing and potential  
competition is an effective regulator of the  
price of those services.

(c) Effective January 1, 1996, an  
Incumbent Local Exchange Telephone Company shall  
adhere to a price floor for its competitive  
services subject to such determination as the  
Commission shall make pursuant to Section 65-5-207. The  
price floor shall equal the Incumbent Local Exchange  
Telephone Company's tariffed rates for  
essential elements utilized by Competing  
Telecommunications Service Providers plus the

total long-run incremental cost of the competitive elements of the service. When shown to be in the public interest, the Commission shall exempt a service or group of services provided by an Incumbent Local Exchange Telephone Company from the requirement of the price floor. The Commission shall, as appropriate, also adopt other rules or issue orders to prohibit cross-subsidization, preferences to competitive services or affiliated entities, predatory pricing, price squeezing, price discrimination, tying arrangements or other anti-competitive practices.

(d) The maximum rate for any new Non-Basic Service first offered after the effective date of this Act shall not exceed the stand alone cost of the service.

SECTION 10. Tennessee Code Annotated, Title 65, Chapter 5, Part 2, is amended by adding the following new language as:

Section 65-5-209. Price Regulation Plan

(a) Rates for telecommunications services are just and reasonable when they are determined to be affordable as set forth in this Section. Using the procedures established in this Section, the Commission shall ensure that rates for all Basic Local Exchange Telephone Services and Non-Basic Services are affordable on the effective date of price regulation for each Incumbent Local Exchange Telephone Company.

(b) An Incumbent Local Exchange Telephone Company shall, upon approval of its application under Subsection (c), be empowered to, and shall charge and collect only such rates that are less than or equal to the maximum permitted by this Section and subject to the safeguards in Section 65-5-208 (c) and (d) and the non-discrimination provisions of this Title.

(c) The Commission shall enter an order within ninety (90) days of the application of an Incumbent Local Exchange Telephone Company implementing a price regulation plan for such company. With the implementation of a price regulation plan, the rates existing on the effective date of this Act for all Basic Local Exchange Telephone Services and Non-Basic Services as defined in Section 65-5-208 are deemed affordable if the Incumbent Local Exchange Telephone Company's earned rate of return on its most recent TPSC 3.01 report as audited by the Commission staff pursuant to subsection (j) is equal to or less than the Company's Current Authorized Fair Rate of Return existing at the time of the Company's application. If the Incumbent Local Exchange

Telephone Company's earned rate of return on its most recent TPSC 3.01 report as audited by the Commission staff pursuant to subsection (j) is greater than the Company's Current

Authorized Fair Rate of Return, the Commission shall initiate a contested, evidentiary proceeding to establish the initial rates on which the price regulation plan is based. The Commission shall initiate such a rate-setting proceeding to determine a fair rate of return on the Company's rate base using the actual intrastate operating revenues, expenses, rate base and capital structure from the Company's most recent TPSC 3.01 report as audited by the Commission staff pursuant to subsection (j).

If the Incumbent Local Exchange Telephone Company's earned rate of return is less than its Current Authorized Fair Rate of Return, the Company may request the Commission to initiate a contested, evidentiary proceeding to establish the initial rates upon which the price regulation plan is based. Upon request by the Incumbent Local Exchange Telephone Company, the Commission shall initiate such a contested, evidentiary proceeding using the same rate-setting procedures described above. Rates established pursuant to the above process shall be the initial rates on which a price regulation plan is based, subject to such further adjustment as may be made by the Commission pursuant to Section 65-5-207.

(d) If not resolved by agreement, the Commission shall, on petition of the Competing Telecommunications Services Provider, hold a contested case proceeding within thirty (30) days to establish initial rates for new interconnection services provided by an Incumbent Local Exchange Telephone Company subsequent to the effective date of this Act, which rates shall be set in accordance with the provisions set forth in this Act. The Commission shall issue a final order within twenty (20) days of the proceeding.

(e) A price regulation plan shall maintain affordable Basic and Non-Basic rates by permitting a maximum annual adjustment that is capped at the lesser of one-half (1/2) the percentage change in inflation for the United States using the Gross Domestic Product-Price Index (GDP-PI) from the preceding year as the measure of inflation, or the GDP-PI from the preceding year minus two (2) percentage points. An Incumbent Local Exchange Telephone Company may adjust its rates for Basic Local Exchange Telephone Services or Non-Basic Services only so long as its aggregate revenues for Basic Local Exchange Telephone Services or Non-Basic Services generated by such changes do not exceed the aggregate

revenues generated by the maximum rates permitted by the price regulation plan.

(f) Notwithstanding the annual adjustments permitted in subsection (e), the initial Basic Local Exchange Telephone Service rates of an Incumbent Local Exchange Telephone Company subject to price regulation shall not increase for a period of four (4) years from the date the Incumbent Local Exchange Telephone Company becomes subject to such regulation. At the expiration of the four (4) year period, an Incumbent Local Exchange Telephone Company shall be permitted to adjust annually its rates for Basic Local Exchange Telephone Services in accordance with the method set forth in subsection (e) provided that in no event shall the rate for residential Basic Local Exchange Telephone Service be increased in any one (1) year by more than the percentage change in inflation for the United States using the Gross Domestic Product-Price Index (GDP-PI) from the preceding year as the measure of inflation.

(g) Notwithstanding any other provision of this Act, a price regulation plan shall permit a maximum annual adjustment in the rates for Interconnection Services that is capped at the lesser of one-half (1/2) the percentage change in inflation for the United States using the Gross Domestic Product-Price Index (GDP-PI) from the preceding year as the measure of inflation, or the GDP-PI from the preceding year minus two (2) percentage points. An Incumbent Local Exchange Telephone Company may adjust its rates for Interconnection Services only so long as its aggregate revenues generated by such changes do not exceed the aggregate revenues generated by the maximum rates permitted by this subsection, provided that each new rate must comply with the requirements of Section 65-5-208 and the non-discrimination provisions of this Title. Upon filing by a Competing Telecommunications Service Provider of a complaint, such rate adjustment shall become subject to Commission review of the adjustment's compliance with the provisions of this Act and rules promulgated under this Act.

The Commission shall stay the adjustment of rates and enter a final order approving, modifying or rejecting such adjustment ~~ruling on the notice of objection~~ within thirty (30) days of its ~~filing the complaint~~.

(h) Incumbent Local Exchange Telephone Companies subject to price regulation may set rates for Non-Basic Services as the company deems appropriate, subject to the limitations set forth in subsections (e) and (g), the non-discrimination provisions of this Title, any rules or orders issued by the Commission

pursuant to Section 65-5-208(c) and upon prior notice to affected customers. Rates for call waiting service provided by an Incumbent Local Exchange Telephone Company subject to price regulation shall not exceed, for a period of four (4) years from the date the company becomes subject to such regulation, the maximum rate in effect in the state for such service on the effective date of this act.

(i) Incumbent Local Exchange Telephone Companies subject to price regulation shall not be required to seek regulatory approval of their depreciation rates or schedules.

(j) For any Incumbent Local Exchange Telephone Company electing price regulation under Section 65-5-209(c), the Commission shall conduct an audit to assure that the TPSC 3.01 Report accurately reflects, in all material respects, the Incumbent Local Exchange Telephone Company's achieved results in accordance with Generally Accepted Accounting Principles as adopted in Part 32 of the Uniform Accounts, and the ratemaking System of adjustments to operating revenues, expenses and rate base used in the Commission's most recent order applicable to the Incumbent Local Exchange Telephone Company. Nothing herein is to be construed to diminish the audit powers of the Commission.

(k) Incumbent Local Exchange Telephone Companies subject to price regulation shall maintain their commitment to the FYI Tennessee Master Plan to the completion of the funded requirements with any alterations to the plan to be approved by the Commission.

SECTION 11. Tennessee Code Annotated, Title 65, Chapter 5, Part 2, is amended by adding the following new language as:

Section 65-5-210. Commission Jurisdiction

(a) In addition to any other jurisdiction conferred, the Commission shall have the original jurisdiction to investigate, hear and enter appropriate orders to resolve all contested issues of fact or law arising as a result of the application of this Act.

(b) The Consumer Advocate shall retain all powers with respect to this Act as is provided in Tennessee Code Annotated, Section 65-4-118, or any future legislation.

SECTION 12. Nothing in this Act shall be construed as removing the powers of the Commission pursuant to Tennessee Code Annotated, Section 65-5-202.

SECTION 13. Nothing in this Act shall affect the authority and duty of the Commission to complete any investigation pending at the time this Act becomes effective.

SECTION 14. Nothing in this act shall be construed to affect the assessment for ad valorem taxation of property used to provide telecommunications services, and to that end it is declared that the fifty-five percent (55%) level of assessments shall remain applicable to property used in whole or in part to provide telecommunications services other than cellular telephone services, radio common carrier services, or long distance telephone services.

SECTION 15. The General Assembly shall evaluate the implementation of the provisions of this Act every two (2) years for not less than the next six (6) years by requiring the submission of a report prepared by the Commission consisting of the following information:

- (a) The compliance of market participants with the provisions of this Act;
- (b) The status of universal service in Tennessee;
- (c) The availability of service capabilities and service offerings subdivided by facilities-based and non-facilities-based, for each Telecommunications Services Provider;
- (d) The number of customers, access lines served, and revenues, subdivided by residential and business, for each Telecommunications Services Provider;
- (e) The impact of federal telecommunications initiatives;
- (f) The degree of technological change in the marketplace;
- (g) The technical compatibility between providers;
- (h) The service performance of providers; and,
- (i) Any other information the Commission considers necessary to proper oversight and evaluation.

SECTION 16. Each Telecommunications Service Provider shall file with the commission a small and minority owned telecommunications business participation plan within sixty (60) days of the effective date of this act. Competing Telecommunications Service Providers shall file such plan with the commission with their application for a certificate. Such plan shall contain such entity's plan

for purchasing goods and services from small and minority telecommunications businesses and information on programs, if any, to provide technical assistance to such businesses. All providers shall update plans filed with the commission annually. For purposes of this act, the term "minority business" means a business which is solely owned, or at least fifty-one percent (51%) of the assets or outstanding stock of which is owned, by an individual who personally manages and controls the daily operations of such business, and who is impeded from normal entry into the economic mainstream because of race, religion, sex or national origin and such business has annual gross receipts of less than four million dollars (\$4,000,000). For purposes of this act, the term "small business" means a business with annual gross receipts of less than four million dollars (\$4,000,000).

SECTION 17. (a) The Department of Economic and Community Development, with assistance from the Comptroller of the Treasury relative to loan guarantees, shall develop by rule an assistance program for small and minority telecommunications businesses no later than January 1, 1996.

Such plan shall require Telecommunications Service Providers and Competing Telecommunications Service Providers to contribute a total of two million dollars (\$2,000,000) each year for five (5) years for a total amount of ten million dollars (\$10,000,000) to fund the small and minority telecommunications business assistance program. The Commission shall by rule determine the contribution to be made each year by each Telecommunications Service Provider and each Competing

Telecommunications Service Provider to such program. The contribution of each such entity shall be determined in accordance with the process used to determine universal service support contributions in accordance with the provisions of Section 4(a). The small and minority telecommunications

business assistance program shall provide for loan guarantees, technical assistance and services, and consulting and education services. The Department of Economic and Community Development shall administer the small and minority telecommunications business assistance program except that the Comptroller of the Treasury shall administer any loan guarantees provided pursuant to such program. It is the legislative intent that such program be designed with consideration of fair distribution of program assistance among the geographic areas of the state with no more than forty percent (40%) of program assistance to be awarded in any grand division and fair distribution of program assistance among small and minority telecommunications businesses.

(b) The Department of Economic and Community Development shall give an interim report on the development of the small and minority telecommunications business assistance program to the House and Senate State and Local Government Committees and to the House Commerce and Senate Commerce, Labor and Agriculture Committee no later than September 1, 1995. Such committees shall report its comments and



recommendations on such report to the department within thirty  
(30) days of receiving such report.

(c) The small and minority telecommunications business assistance program developed by the Department of Economic and Community Development shall take effect on March 1, 1996, unless modified or repealed by legislation enacted prior to such date.

(d) There is established a general fund reserve to be allocated in accordance with the small and minority telecommunications business assistance program created by this Act which shall be known as the small and minority telecommunications business assistance program fund. Moneys from the fund may be expended in accordance with such program. Any moneys deposited in the fund shall remain in the reserve until expended for purposes consistent with such program and shall not revert to the general fund on any June 30. Any interest earned by deposits in the reserve shall not revert to the general fund on any June 30 but shall remain available for expenditure in subsequent fiscal years.

SECTION 18. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 19. This Act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Rigsby moved the previous question on Amendment No. 17, which motion prevailed by the following vote:

Ayes ..... 71  
Noes ..... 22

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Givens, Halteman, Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, Lewis, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Stulce, Towns, Turner (Hamilton), Turner (Shelby), West, White, Whitson, Williams (Williamson), Windle, Mr. Speaker Naifeh -- 71.

Representatives voting no were: Beavers, Bird, Boyer, Coffey, Duer, Dunn, Gunnels, Haley, Joyce, Kerr, McAfee, Peach, Ramsey, Sharp, Shirley, Stamps, Tindell, Venable, Westmoreland, Williams (Union), Winningham, Wood -- 22.

On motion, Amendment No. 17 was adopted.

Rep. Rigsby moved the previous question, which motion failed by the following vote:

Ayes .....	55
Noes .....	39
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Eckles, Ford, Fowlkes, Givens, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kisber, Langster, McDonald, McKee, McMillan, Miller, Napier, Patton, Phelan, Phillips, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Stulce, Towns, Turner (Hamilton), Turner (Shelby), West, White, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 55.

Representatives voting no were: Beavers, Bird, Boyer, Buck, Clabough, Coffey, Cross, Duer, Dunn, Fitzhugh, Gunnels, Haley, Haltaman Harwell, Hassell, Herron, Joyce, Kerr, McAfee, McDaniel, Newton, Odom, Peach, Pinion, Ramsey, Rhinehart, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Venable, Walley, Westmoreland, Williams (Union), Windle, Winningham, Wood -- 39.

Representatives present and not voting were: Kernell -- 1.

Rep. Dunn moved adoption of Amendment No. 16 as follows:

# **Amendment No. 16**

AMEND Senate Bill No. 891 by deleting Section 17 in its entirety.

Rep. Kisber moved that Amendment No. 16 be tabled, which motion prevailed by the following vote:

Ayes .....	48
Noes .....	42

Representatives voting aye were: Armstrong, Arriola, Bowers, Bragg, Brooks, Brown, Burchett, Byrd, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davis, DeBerry, J., DeBerry, L., Fitzhugh, Ford, Fowlkes, Givens, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, Lewis, McDonald, McMillan, Miller, Napier, Patton, Phelan, Phillips, Pruitt, Purcell, Rigsby, Towns, Turner (Shelby), West, White, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 48.

Representatives voting no were: Beavers, Bird, Boyer, Buck, Callicott, Clabough, Coffey, Cross, Davidson, Duer, Dunn, Gunnels, Haley, Haltaman Harwell, Hassell, Head, Joyce, Kerr, McAfee, McDaniel, McKee, Newton, Odom, Peach, Pinion, Ramsey, Rhinehart, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Venable, Westmoreland, Williams (Union), Windle, Winningham, Wood -- 42.

# **REQUEST TO CHANGE VOTE**

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on the motion to table

Amendment No. 16 on Senate Bill No. 891 and have this statement entered in the Journal: Rep(s). Turner(Hamilton).

REGULAR CALENDAR, CONTINUED

Rep. Rhinehart moved that Amendment No. 18 be withdrawn, which motion prevailed.

Rep. Rhinehart moved that Amendment No. 19 be withdrawn, which motion prevailed.

Rep. Winningham moved adoption of Amendment No. 20 as follows:

Amendment No. 20

AMEND Senate Bill No. 891 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. (a) The Department of Economic and Community Development, with assistance from the Comptroller of the Treasury relative to loan guarantees, shall develop by rule an assistance program for rural economic development telecommunications projects no later than January 1, 1996. Such plan shall require Telecommunications Service Providers and Competing Telecommunications Service Providers to contribute a total of two million dollars (\$2,000,000) each year for five (5) years for a total amount of ten million dollars (\$10,000,000) to fund the rural economic development telecommunications assistance program. The Commission shall by rule determine the contribution to be made each year by each Telecommunications Service Provider and each Competing Telecommunications Service Provider to such program. The contribution of each such entity shall be determined in accordance with the process used to determine universal service support contributions in accordance with the provisions of Section 4(a). The rural economic development telecommunications assistance program shall provide for loan guarantees, technical assistance and services, and consulting and education services. The Department of Economic and Community Development shall administer the rural economic development telecommunications assistance program except that the Comptroller of the Treasury shall administer any loan guarantees provided pursuant to such program. It is the legislative intent that such program be designed with consideration of fair distribution of program assistance among the geographic areas of the state with no more than forty percent (40%) of program assistance to be awarded in any grand division and fair distribution of program assistance among rural telecommunications businesses.

(b) The Department of Economic and Community Development shall give an interim report on the development of the rural economic development telecommunications assistance program to the House and Senate State and Local Government Committees and to the House Commerce and Senate Commerce, Labor and Agriculture

Committee no later than September 1, 1995. Such committees shall report its comments and recommendations on such report to the department within thirty (30) days of receiving such report.

(c) The rural economic development telecommunications assistance program developed by the Department of Economic and Community Development shall take effect on March 1, 1996, unless modified or repealed by legislation enacted prior to such date.

(d) There is established a general fund reserve to be allocated in accordance with the rural economic development telecommunications assistance program created by this Act which shall be known as the rural economic development telecommunications assistance program fund.

Moneys from the fund may be expended in accordance with such program. Any moneys deposited in the fund shall remain in the reserve until expended for purposes consistent with such program and shall not revert to the general fund on any June 30. Any interest earned by deposits in the reserve shall not revert to the general fund on any June 30 but shall remain available for expenditure in subsequent fiscal years.

Rep. Purcell moved that Amendment No. 20 be tabled, which motion prevailed by the following vote:

Ayes ..... 65  
Noes ..... 20

Representatives voting aye were: Armstrong, Beavers, Bell, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Davis, DeBerry, J., DeBerry, L., Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kisber, Langster, McDaniel, McDonald, McMillan, Miller, Odom, Patton, Peach, Phelan, Phillips, Pruitt, Purcell, Rinks, Roach, Sharp, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Wood -- 65.

Representatives voting no were: Bird, Boyer, Coffey, Cross, Curtis, Davidson, Duer, Dunn, Kerr, Newton, Ramsey, Rhinehart, Rigsby, Ritchie, Shirley, Stamps, Tindell, Williams (Union), Windle, Winningham -- 20.

Rep. Fitzhugh moved adoption of Amendment No. 21 as follows:  
**Amendment No. 21**

AMEND Senate Bill No. 891 by deleting from subsection (f) of the amendatory language of Section 10, Section 65-5-209, the word "four" from the first and second sentences of the subsection and by substituting instead the language "six (6)".

AND FURTHER AMEND in subdivision (a) 1 of the amendatory language of Section 9, Section 65-5-208, by adding the following sentence at the end of the subdivision:

Basic Local Exchange Telephone Services shall include any other service which is used by a majority of residential or business customers of an Incumbent Local Exchange Telephone Company.

Rep. Purcell moved that Amendment No. 21 be tabled, which motion prevailed by the following vote:

Ayes ..... 75  
Noes ..... 21

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Eckles, Ford, Fowlkes, Givens, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sharp, Stamps, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Beavers, Bird, Duer, Dunn, Fitzhugh, Gunnels, Hargrove, Herron, Kerr, Kisber, Newton, Peach, Phelan, Pinion, Ramsey, Rigsby, Ritchie, Shirley, Tindell, White, Williams (Union) -- 21.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Bragg moved that **Senate Bill No. 891**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes ..... 8

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Bird, Boyer, Coffey, Gunnels, Pinion, Shirley, Tindell, Windle -- 8.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 891 and have this statement entered in the Journal: Rep(s). Jones U (Shelby).

**REMARKS**

Representative Purcell requested the following statement of intent be spread upon the Journal.

This statement clarifies the sponsor's intent concerning HB 695. (SB 891)

This bill establishes a process by which consumers are assured affordable rates. To achieve this, the bill provides that the rates of incumbent local exchange companies will be based on an audit of the company's actual achieved results and not on a speculative forecast. An audit consistent with the provisions of this bill is currently being performed by the TPSC staff by their compliance audit of SCB's TPSC 3.01 form. As stated by Dr. Chris Klein, Director of the PSC's Utility Rate Division, the TPSC 3.01 form is a monthly report showing monthly, year-to-date, and 12 month-to-date financial information, including rate of return, adjusted to reflect the Commission's prior rate-making decision. The compliance audit verifies that the amounts shown on the TPSC 3.01 form:

- are accurately taken from the company's books and records;
- accurately reflect any Commission ordered rate-making adjustments';
- do not include unusual or abnormal financial occurrences;
- were calculated following proper accounting rules and procedures for separating the company's interstate and intrastate operations, as well as its regulated and nonregulated operations;
- accurately reflect allowable charges from affiliated companies.

This legislation makes clear that this TPSC 3.01 compliance audit of actual achieved results and without speculative forecasts will be completed and affordable rates will be set pursuant to Section 10(c) and (j) of this bill.

**REMARKS**

Representative Buck requested that the following remarks be spread upon the Journal:

Mr. Speaker and members of the House:

I have reluctantly voted for HB 695/SB 891. This bill will bring competition to the telecommunications industry. Competition is clearly good in almost all segments of our economy. Telephone cooperatives are exempted from this bill. I can find no good reason for this exemption. Competition brings better service at a lower price and I find no good reason for this exemption.

Secondly, the \$10,000,000 set aside for small business should not be a portion of this bill. Why should telephone rate payers of Tennessee supplement one segment of our economy? This section of the bill is just plain wrong.

As bad as these two provisions of the bill are, there is much more good in this bill than bad. The rate payers of Tennessee will save much more than \$10,000,000 because of competition. Therefore, for the benefit of all Tennessee, I must vote for this bill.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**MESSAGE FROM THE SENATE  
May 24, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 620 and 1245; both passed by the Senate.  
CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 620** -- Custody and Support -- Enumerates factors to be considered in determining child custody; requires court to grant noncustodial parent adequate visitation to maintain parent-child relationship. Amends TCA Title 36, Chapter 6. by \*Harper, \*Jordan.

**\*Senate Bill No. 1245** -- Education -- Extends time for establishing maximum size of popularly elected boards of education to July 1, 1994, from January 1, 1993. Amends TCA 492-201. by \*O'Brien, \*Womack.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 846** -- Accountants - Authorizes board of accountancy to fix compensation of executive director, investigators, and other staff members without the approval of the commissioner of personnel; removes board from administration of division of regulatory boards. Amends TCA Titles 4, 62. by \*Rinks, \*Purcell(\*SB472 by \*Atchley).

On motion, House Bill No. 846 was made to conform with **Senate Bill No. 472**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 472 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2.

Rep. Rinks moved that **Senate Bill No. 472** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry,

L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 245; adopted for concurrence.  
CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 245 -- Memorials, Public Service --**  
Jill Balls Oaks, 1994 National Columbia/HCA Healthcare Volunteer Award. by \*Haynes, \*Harper, \*Henry, \*Person.

**RULES SUSPENDED**

Rep. Arriola moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 245 out of order, which motion prevailed.

**Senate Joint Resolution No. 245 -- Memorials, Public Service --**  
Jill Balls Oaks, 1994 National Columbia/HCA Healthcare Volunteer Award. by \*Haynes, \*Harper, \*Henry, \*Person.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Arriola, with the request that all members voting aye be added as sponsors, **Senate Joint Resolution No. 245** was concurred in by the following vote:

Ayes ..... 93  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.



REGULAR CALENDAR, CONTINUED

**House Bill No. 888** -- Libraries - Clarifies law to allow library boards to charge reasonable fees for late-returned materials, photocopying and lending equipment. Amends TCA 10-3-108. by \*Burchett(\*SB1432 by \*Gilbert, \*McNally, \*Atchley).

Rep. Burchett moved that House Bill No. 888 be reset to the Calendar for Thursday, May 25, 1995, which motion prevailed.

**House Bill No. 1779** -- Crime, Victims of - Permits local law enforcement agency to prosecute felonies committed at colleges or universities. by \*Kernell, \*Halteman Harwell (\*SB1769 by \*Cohen).

Rep. Kernell moved that House Bill No. 1779 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1779 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. (a) As used in this section unless otherwise requires:

(1) "Higher education institution" means a private college, community college or public or university.

(2) (A) "Hazing" means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of student, or which induces or coerces a student to endanger his or her mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

(b) Each higher educational institution shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the institution. The policy shall be distributed or made available to each student at the beginning of each school year. Time shall be set aside during orientation to specifically discuss the policy and its ramifications as a criminal offense and the institutional

penalties that may be imposed by the higher education institution.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 1779**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 430** -- Sunset Laws - Board for licensing health care facilities, June 30, 2002. Amends TCA Title 4, Chapter 29; Title 68, Chapter 11. by \*Kernell, \*Garrett, \*Brooks(SB488 by \*Haynes).

On motion, House Bill No. 430 was made to conform with **Senate Bill No. 488**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 488 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 488 by deleting Section 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-217(a), is amended by adding a new item thereto, as follows:

( ) Board for licensing health care facilities, created by Section 68-11-203;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 488 by adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 68-11-203, is amended by deleting the last sentence of subsection (a) in its entirety and by substituting instead the following:

In making appointments to the board, the governor shall ensure that the membership of the board reflects the racial diversity of the state. Gubernatorial appointments to the board shall be made in such a manner that ethnic minorities are represented on the board in proportion to their population in the state. For the purposes of this section, ethnic minorities who comprise less than one percent (1%) of the population in Tennessee are not required to be represented on the board.

On motion, Amendment No. 2 was adopted.

Rep. Kernell moved that **Senate Bill No. 488**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	90
Noes .....	1
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Duer -- 1.

Representatives present and not voting were: Joyce -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 436** -- Sunset Laws - Tennessee Elk River Development Agency, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 64, Chapter 1. by \*Kernell, \*Garrett, \*Brooks(SB1446 by \*Haynes).

Rep. Kernell moved that House Bill No. 436 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 436 by adding the following new sections to precede the effective date section:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 64-1-302(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) The agency shall be governed by a board of directors consisting of eighteen (18) members.

Section \_\_\_\_\_. Tennessee Code Annotated, Section 64-1-302(a)(2), is amended by deleting the fourth sentence in its entirety and by substituting instead the following:

The governor shall appoint as director the county executive from Franklin County. The governor shall appoint one (1) director from a list submitted by the Tims Ford Council, Inc. for an initial term of four (4) years.

AND FURTHER AMEND by deleting Section 2 of the printed bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, title 4, Chapter 29, is amended by providing that:

( ) Tennessee Elk River development agency, created by Section 64-1-301 shall terminate on June 30, 2003.

Section \_\_\_\_\_. Tennessee Code Annotated, Section 64-1-302(a), is amended in the fifth sentence of subdivision (2) by deleting the language " six (6) years" and by substituting instead the language " four (4) years" .

Section \_\_\_\_\_. Tennessee Code Annotated, Section 64-1-302(a), is amended by adding the following language after the fifth sentence of subdivision (2):

Each director is limited to two (2) terms of four (4) years each.

Section \_\_\_\_\_. Tennessee Code Annotated, Section 64-1-302, is amended by adding the following as a new subsection thereto:

(c) Directors are prohibited from being employees, consultants, or independent

contractors of the agency while serving on the board of directors and for a period of four (4) years after leaving service as a director on the board.

64-1- Section \_\_\_\_ Tennessee Code Annotated, Section 310(b), is amended by deleting the phrase " , the commissioner of economic and community development," .

64-1-301(a), Section \_\_\_\_ Tennessee Code Annotated, Section is amended by deleting the phrase " , within the department of economic and community development," .

On motion, Amendment No. 1 was adopted.

Rep. Fowlkes moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 436 by adding the following language at the end of the amendatory language in Section 2:

The currently serving directors may serve out their entire remaining terms, but shall be limited to serving two (2) additional four (4) year terms in office.

On motion, Amendment No. 2 was adopted.

Rep. Lewis moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Kernell moved that **House Bill No. 436**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	85
Noes .....	3
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Callicott, Coffey, Newton -- 3.

Representatives present and not voting were: Brown, Joyce, Ritchie -- 3.

A motion to reconsider was tabled.

**House Bill No. 628** -- Administrative Procedure - Clarifies that when effectiveness of rules are suspended by action of general assembly, prior rules will remain in effect. Amends TCA Titles 2 -- 71. by \*Kernell(\*SB779 by \*Haynes).

On motion, House Bill No. 628 was made to conform with **Senate Bill No. 779**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 779 be reset to the Calendar for Thursday, May 25, 1995, which motion prevailed.

**House Bill No. 590** -- Criminal Offenses - Makes it Class C misdemeanor to attach or place sheets, signs or advertisements on fences that border interstate highways. Amends TCA Title 39, Chapter 17, Part 1. by \*Bowers, \*Jones R (Shelby), \*DeBerry J (\*SB459 by \*Harper).

On motion, House Bill No. 590 was made to conform with **Senate Bill No. 459**; the Senate Bill was substituted for the House Bill.

Rep. Bowers requested that Senate Bill No. 459 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 1856** -- Benton County - Subject to local approval, authorizes severance tax on pulpwood. by \*Peach(SB1834 by \*Hamilton).

Further consideration of House Bill No. 1856, previously considered on April 24, 1995 and April 26, 1995, and reset to today's Calendar.

Rep. Peach moved that House Bill No. 1856 be reset to the first Calendar of 1996, which motion prevailed.

**House Bill No. 1625** -- Pari-mutuel Betting - Authorizes county or municipality to call referendum to determine whether pari-mutuel betting wagering on horse racing will be permitted at satellite simulcast teletheaters located in such county or municipality. Amends TCA 4-36-103, 302, 303, 306(b)(2), (3), 401. by \*Jones R (Shelby), \*Jones U (Shelby), \*Miller L, \*Stamps, \*Kent, \*Davis, \*Huskey, \*DeBerry L, \*Turner (Shelby) (\*SB927 by \*Ford J).

Rep. Jones R(Shelby) moved that House Bill No. 1625 be reset to the Calendar for Thursday, May 25, 1995, which motion prevailed.

**House Bill No. 341** -- Campaigns - Requires disclosure of occupation and employer of campaign contributors. Amends TCA Title 2, Chapter 10, Part 1. by \*Kisber, \*Stamps. (\*SB29 by \*Cohen).

Further consideration of House Bill No. 341, previously considered on today's Calendar.

Rep. Kisber moved that House Bill No. 341 be reset to the Calendar for Thursday, May 25, 1995, which motion prevailed.

MESSAGE FROM THE SENATE  
May 24, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1581; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.  
**Senate Bill No. 1581** -- Cocke County -- Subject to local approval, provides for licensure and regulation of commercial outfitters, authorizes privilege tax on use of watercraft on those portions of Pigeon and French Broad Rivers. by \*Haun.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1306** -- Cocke County - Subject to local approval, provides for licensure and regulation of commercial outfitters, authorizes privilege tax on use of watercraft on those portions of Pigeon and French Broad Rivers. by \*Davis(SB1581 by \*Haun).

Further consideration of House Bill No. 1306, previously considered today's Calendar.

On motion, House Bill No. 1306 was made to conform with **Senate Bill No. 1581**; the Senate Bill was substituted for the House Bill.

Rep. Davis moved that Senate Bill No. 1581 be passed on third and final consideration.

On motion, Rep. Napier withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Davis moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1581 by deleting Senate Transportation Committee Amendment No. 3 in its entirety.

On motion, Amendment No. 2 was adopted.

Rep. Davis moved that **Senate Bill No. 1581**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	83
Noes .....	3
Present and not voting .....	4

Representatives voting aye were: Armstrong, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haltzman Harwell, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Burchett, Chumney, Herron -- 3.

Representatives present and not voting were: Brooks, Hargrove, Joyce, McDonald -- 4.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 1581 and have this statement entered in the Journal: Rep(s). Jackson.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 880** -- District Attorneys - Authorizes additional criminal investigator for 8th judicial district. Amends TCA Title 16, Chapter 2, Part 5. by \*Winningham, \*Windle, \*Williams (Union), \*Cross(\*SB1244 by \*O'Brien).

Further consideration of House Bill No. 880, previously considered on today's Calendar.

Rep. Winningham moved that House Bill No. 880 be reset to the Calendar for Thursday, May 25, 1995, which motion prevailed.

**\*Senate Bill No. 882** -- Fees - Increases clerk's commission from 5 to 10 percent for clerks of various courts in Shelby County for performing various services; authorizes certain new fees for such clerks. Amends TCA 8-14-205; Title 8, Chapter 21; 36-3-604; 40-24-101; 40-3-206; 40-11-204; 40-14-202. by \*Ford J, \*Dixon(HB985 by \*DeBerry L, \*Kent).

Further consideration of Senate Bill No. 882, previously considered on today's Calendar.

Rep. DeBerry L requested that Senate Bill No. 882 be moved down ten spaces on the Calendar, which motion prevailed.

**House Bill No. 1347** -- Education, Higher - Permits out of state students to attend certain Tennessee institutions of higher education under certain conditions without paying out of state tuition. Amends TCA Title 49. by \*Winningham(\*SB1564 by \*Womack).

Further consideration of House Bill No. 1347, previously considered on today's Calendar.

On motion, House Bill No. 1347 was made to conform with **Senate Bill No. 1564**; the Senate Bill was substituted for the House Bill.

Rep. Winningham moved that Senate Bill No. 1564 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.



On motion, Rep. Bragg withdrew Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Winningham moved that **Senate Bill No. 1564** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**\*Senate Bill No. 459** -- Criminal Offenses -- Makes it Class C misdemeanor to attach or place sheets, signs or advertisements on fences that border interstate highways. Amends TCA Title 39, Chapter 17, Part 1. by \*Harper(HB590 \*Bowers, \*Jones R (Shelby) and \*DeBerry J).

Further consideration of Senate Bill No. 459, previously considered on today's Calendar.

Rep. Bowers moved that Senate Bill No. 459 be passed on third and final consideration.

Rep. Kerr moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 459 by adding the following sentence to the end of the amendatory language of Section 1(a):

During the period extending from the qualifying deadline for a political campaign through the third day following the date of the election, the provisions of this section shall not apply to a sign, sheet, board, poster, banner, advertisement, or item tied, attached, or placed on any such fence or barrier by or for such political campaign.

On motion, Amendment No. 1 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Bowers moved that **Senate Bill No. 459**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Haldeman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

#### CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

#### REGULAR CALENDAR, CONTINUED

**\*Senate Bill No. 882** -- Fees - Increases clerk's commission from 5 to 10 percent for clerks of various courts in Shelby County for performing various services; authorizes certain new fees for such clerks. Amends TCA 8-14-205; Title 8, Chapter 21; 36-3-604; 40-24-101; 40-3-206; 40-11-204; 40-14-202. by \*Ford J, \*Dixon(HB985 by \*DeBerry L, \*Kent).

Further consideration of Senate Bill No. 882, previously considered on today's Calendar.

Rep. DeBerry L moved that Senate Bill No. 882 be passed on third and final consideration.

Rep. Ritchie moved adoption of Amendment No. 4 as follows:

#### Amendment No. 4

AMEND Senate Bill No. 882 by deleting the effective date section and substituting instead the following:

Section 13. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of any county to which it may apply. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

Section 14. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 13.

On motion, Amendment No. 4 was adopted.

Rep. DeBerry L moved that **Senate Bill No. 882**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes .....	35
Noes .....	49
Present and not voting .....	4

Representatives voting aye were: Armstrong, Bittle, Bowers, Boyer, Brooks, Brown, Byrd, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Givens, Hassell, Head, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, McDaniel, Napier, Pruitt, Rhinehart, Tindell, Venable, Whitson -- 35.

Representatives voting no were: Bell, Bird, Buck, Burchett, Callicott, Clabough, Coffey, Cross, Davidson, Dunn, Fitzhugh, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Herron, Hicks, Jackson, Kerr, McAfee, McDonald, McKee, McMillan, Newton, Peach, Phelan, Phillips, Pinion, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Turner (Shelby), Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 49.

Representatives present and not voting were: Beavers, Bragg, Eckles, Turner (Hamilton) -- 4.

Having failed to receive a Constitutional majority, **Senate Bill No. 882** was re-referred to the Committee on Calendar and Rules.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to present and not voting on Senate Bill No. 882 and have this statement entered in the Journal: Rep(s). Windle.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 882 and have this statement entered in the Journal: Rep(s). Hassell.

#### MESSAGE FROM THE SENATE May 24, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1234, 1787, 1789, 1790, 1791, 1792, 1796 and 1797; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 1234** -- Firearms and Ammunition -- Requires sheriffs association to adopt, by July 1, 1995, standard fee that may be charged to person applying for permit to carry handgun; provides that such fee may not exceed \$200. Amends TCA 39-17-1315. by \*Jordan.

**Senate Bill No. 1787** -- Unclaimed Property -- Purports to amend law concerning unclaimed property; makes no substantive change in law. Amends TCA Title 66, Chapter 29. by \*McNally, \*Atchley, \*Elsea, \*Hamilton, \*Haun.

**Senate Bill No. 1789** -- Boards and Commissions -- Purports to amend law relative to regulatory boards. Amends TCA Title 56, Chapter 1, Part 3; Title 62, Chapter 1; Title 63, Chapter 1. by \*McNally, \*Atchley, \*Elsea, \*Hamilton, \*Haun.

**Senate Bill No. 1790** -- Economic and Community Development -- Purports to amend law concerning economic "development" and growth. Amends TCA Title 4, Chapter 17. by \*McNally, \*Atchley, \*Elsea, \*Hamilton, \*Haun.

**Senate Bill No. 1791** -- Workers' Compensation -- Purports to amend law concerning workers' compensation; makes no substantive change in law. Amends TCA Title 50, Chapter 6. by \*Elsea, \*McNally, \*Atchley, \*Hamilton, \*Haun

**Senate Bill No. 1792** -- Workers' Compensation -- Purports to amend law concerning workers' compensation; makes no substantive change. Amends TCA Title 50, Chapter 6. by \*Haun, \*McNally, \*Atchley, \*Elsea, \*Hamilton.

**Senate Bill No. 1796** -- Tennessee Housing Development Agency -- Purports to amend law concerning THDA; makes no substantive change. Amends TCA Title 13, Chapter 23. by \*Elsea, \*McNally, \*Atchley, \*Haun, \*Hamilton.

**Senate Bill No. 1797** -- Financial Institutions, Dept. of -- Purports to amend law relative to financial institutions. Amends TCA Title 45, Chapter 1. by \*Elsea, \*McNally, \*Atchley, \*Haun, \*Hamilton.

#### SUPPLEMENTAL CALENDAR, CONTINUED

**\*House Bill No. 596** -- Firearms and Ammunition - Requires sheriffs association to adopt, by July 1, 1995, standard fee that may be charged to person applying for permit to carry handgun; provides that such fee may not exceed \$200. Amends TCA 39-17-1315. by \*Buck, \*Williams (Union), \*Roach (SB1234 by \*Jordan).

On motion, House Bill No. 596 was made to conform with **Senate Bill No. 1234**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 1234 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved that **Senate Bill No. 1234** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 3

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Armstrong, Pruitt, Turner (Shelby) -- 3.

A motion to reconsider was tabled.

**House Bill No. 499** -- DUI/DWI Offenses - Doubles penalty for DUI if at time of offense person had .15 percent or more by weight of alcohol in such person's blood. Amends TCA Title 55, Chapter 10, Part 4. by \*Buck, \*Pinion(\*SB454 by \*Koeilla).

Rep. Buck moved that House Bill No. 499 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 499 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following language as new, appropriately designated subsections:

( ) Notwithstanding the provisions of subsection (a), a person violating Tennessee Code Annotated, Section 55-10-401, who, at the time of such offense, had fifteen-hundredths of one percent (.15%), or more, by weight of alcohol in such person's blood shall be punished as follows:

(1) For the first offense such person shall be:

(A) fined not less than three hundred dollars (\$385) nor more eight-five

than one thousand six hundred  
dollars (\$1,650);

fifty

workhouse for  
(96) hours nor more than eleven  
twenty-nine (29) days; and

(B) confined in the county jail or  
not less than ninety-six  
(11) months and

vehicle in the  
of one (1) year.

(C) prohibited from driving a motor  
state of Tennessee for a period

shall be:

(2) For the second offense such person

sixty dollars  
thousand eight hundred  
(\$3,850);

(A) fined not less than six hundred  
(\$660) nor more than three  
fifty dollars

workhouse for  
days nor more than eleven (11)  
twenty-nine (29) days; and

(B) confined in the county jail or  
not less than sixty (60)  
months and

in the state  
of two (2) years.

(C) prohibited from driving a vehicle  
of Tennessee for a period

such person

(3) For the third or subsequent offense  
shall be:

two ten  
more than eleven  
(\$11,000);

(A) fined not less than one thousand  
hundred dollars (\$1,210) nor  
thousand dollars

workhouse for  
sixty (160) days nor more  
months and twenty-nine (29) days;

(B) confined in the county jail or  
not less than one hundred  
than eleven (11)  
and

in the state  
of not less than three (3)  
than ten (10) years.

(C) prohibited from driving a vehicle  
of Tennessee for a period  
years nor more

relative to court-  
and drug treatment for  
offenders, subsection (a)(1) authorizing litter  
removal after service of the minimum sentence, and  
subsections (b)-(c) of this section shall also apply  
to a person sentenced under this  
subsection.

The provisions of subsection (a)(1)

ordered in patient alcohol  
second

( ) Notwithstanding the provisions of  
person violating Section  
driver  
license was suspended or revoked because of a prior

subsection (a), a  
55-10-401, at a time when his or her  
license was suspended or revoked because of a prior

violation of Section 55-10-401, shall be punished by a ten (10)  
day period of confinement in the county jail or  
workhouse which shall be imposed in addition to  
the period of confinement otherwise  
required pursuant to this section.

SECTION 2. This act shall take effect July 1, 1995,  
the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 499**, as amended, be passed on  
third and final consideration, which motion prevailed by the following  
vote:

Ayes ..... 92  
Noes ..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers,  
Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,  
Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole  
(Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry,  
L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley,  
Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey,  
Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce,  
Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel,  
McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton,  
Peach, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby,  
Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce,  
Tindell, Towns, Turner (Hamilton), Venable, Walley, West,  
Westmoreland, White, Whitson, Williams (Union), Williams (Williamson),  
Windle, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Pruitt, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change  
their official stand from not voting to aye on **House Bill No. 499** and  
have this statement entered in the Journal: Rep(s). Duer.

#### SUPPLEMENTAL CALENDAR, CONTINUED

**House Bill No. 72** -- Capital Punishment - Consolidates sentence  
of death appeals into one broad based appeal. Amends TCA Title 39,  
Chapter 13, Part 2; Title 40, Chapter 30. by \*Buck, \*Stamps,  
\*Newton(\*SB39 by \*Person).

Rep. Buck moved that **House Bill No. 72** be passed on third and  
final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1  
as follows:

#### Amendment No. 1

AMEND House Bill No. 72 by deleting all amendatory language after the enacting clause and adding the following language:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 30, is amended by adding the following new part:

\_\_\_\_-\_\_\_\_-\_\_\_\_. Short title.--This part may be referred to as the "Post-Conviction Defender Commission Act."

\_\_\_\_-\_\_\_\_-\_\_\_\_. Legislative intent.--It is the intent of the Legislature to create the Post-Conviction Defender Commission and the Office of Post-Conviction Defender to provide for the representation of any person convicted and sentenced to death in this state who is unable to secure counsel due to indigence, and that legal proceedings to challenge such conviction and sentence may be commenced in a timely manner and so as to assure the people of this state that the judgments of its courts may be regarded with the finality to which they are entitled in the interests of justice. It is the further intent that the operation of the Post-Conviction Defender Commission and Office of Post-Conviction Defender shall be consistent with professional standards and shall not compromise independent professional judgment or create a professional or institutional conflict of interest, appearance of impropriety, breach of attorney-client confidence or secret or other violation of the Tennessee Code of Professional Responsibility or the Tennessee Code of Judicial Conduct.

\_\_\_\_-\_\_\_\_-\_\_\_\_. Establishment; composition.--(a) There is hereby established a Tennessee Post-Conviction Defender Commission. The members of the commission appointed herein shall have a commitment to the constitutional rights of all individuals. The members of the commission shall be appointed with a conscious intention of reflecting a diverse mixture with respect to race, including the dominant ethnic minority population, and gender. The commission is composed of the following nine (9) members:

- (1) Two (2) members appointed by the governor;
- (2) Two (2) members appointed by the lieutenant governor;
- (3) Two (2) members appointed by the speaker of the house of representatives; and
- (4) Three (3) members appointed by the Supreme Court of Tennessee.

(b) The term of office of each member of the commission is four (4) years. A vacancy occurring among the members of the commission before the



expiration of a term shall be filled in the same manner as the original appointments. An appointment to fill a vacancy occurring before the expiration of a term is for the remainder of the unexpired term.

(c) To stagger the terms of the commission members, the initial term shall be as follows:

(1) The initial term of the members appointed by the governor shall be one year;

(2) The initial term of the members appointed by the lieutenant governor shall be two years;

(3) The initial term of the members appointed by the speaker of the house of representatives shall be three years; and

(4) The initial term of the members appointed by the Supreme Court shall be four years.

\_\_\_\_-\_\_\_\_. Chairperson; meetings; duties.--(a) The members of the commission shall designate one (1) member of the commission as chairperson.

(b) Meetings of the commission may be held upon reasonable notice to the commission members by the chairperson of the commission.

(c) The commission shall appoint a qualified attorney to the Office of Post-Conviction Defender.

(d) The commission shall prepare an annual budget for the office of the post-conviction defender, administer the funds made available to the office, and oversee the expenditure of the funds.

\_\_\_\_-\_\_\_\_. Post-Conviction Defender.--(a) There is created the office of the post-conviction defender.

(b) The post-conviction defender shall be appointed by the Post-Conviction Defender Commission, as provided for in Tenn. Code Ann. \_\_\_\_-\_\_\_\_.

(c) The post-conviction defender shall be an attorney in good standing with the Tennessee Supreme Court and shall possess a demonstrated experience in the litigation of capital crimes.

(d) The post-conviction defender shall serve a term of four (4) years.

(e) Vacancies in the office of post-conviction defender shall be filled in the same manner as appointment.

(f) The principal office of the post-conviction defender shall be located in Nashville. The post-conviction defender may establish such branch offices as may, in the discretion of the post-conviction defender, be warranted to fulfill statutory duties herein.

(g) The exclusive function of the post-conviction defender's office shall be to provide legal representation to persons convicted of capital offenses. The post-conviction defender's office shall not lobby any entity, organization, or legislative body to urge either the abolition or retention of the death penalty. However, the office may respond to inquiries of the General Assembly, the Judiciary and the Executive Branch.

(h) In the event the post-conviction defender provides direct representation to persons on direct appeal of a conviction, the post-conviction defender's office shall be prohibited from providing representation to such persons in any collateral proceeding. \_\_\_\_\_-\_\_\_\_\_. Duties.--(a) It shall be the primary responsibility of the post-conviction defender to represent, without additional compensation, any person convicted and sentenced to death in this state who is without counsel and who is unable to secure counsel due to indigency or determined by a state court with competent jurisdiction to be indigent for the purpose of instituting and prosecuting collateral actions challenging the legality of the judgment and sentence imposed against such person in state court and who the court determines requires the appointment of counsel.

(b) Under limited circumstance where the post-conviction defender determines that it is in the interest of justice, the post-conviction defender may represent, without additional compensation, any person on a direct appellate review of the conviction of a capital crime if that person is without counsel and is unable to secure counsel due to indigency or is determined by a state court with competent jurisdiction to be indigent and where that state court has determined competent counsel is unavailable.

(c) The post-conviction defender shall represent, without additional compensation, any person convicted and sentenced to death in this state who is without counsel and who is unable to secure counsel due to his indigency or is determined by a state court of competent jurisdiction to be indigent for the purpose of instituting and prosecuting collateral actions challenging the legality of the judgment and sentence imposed against such person in the federal courts in this state, the United States Court of Appeals for the Sixth Circuit, and the United States Supreme Court, only to the extent that compensation for representation and reimbursement for expenses is provided by 18 U.S.C. 3006A or any other non-state funded source.

(d) The post-conviction defender shall also:

(1) Maintain a clearinghouse of materials  
and a repository of briefs prepared by  
the post-conviction defender to be made available to  
public defenders and private counsel who represent  
indigents charged with or convicted of capital  
crimes.

(2) Provide continuing legal education  
training to public defenders, assistant post-  
conviction defenders and to private counsel  
representing indigents in capital cases, as resources  
are available.

(3) Provide consulting services to all  
attorneys representing defendants in  
capital cases on a non-case-specific basis.

(4) Recruit qualified members of the  
private bar who are willing to provide  
representation in state death penalty  
proceedings.

\_\_\_\_\_. Conflict of interest and substitute  
counsel.---If at any time during the representation of  
two (2) or more indigent persons, the post-  
conviction defender shall determine that the  
interests of those persons are so adverse or hostile that they  
cannot all be counseled by the post-conviction  
defender or his staff without conflict of interest,  
the court in which the proceeding is pending shall  
upon application therefor by the post-conviction defender appoint  
one (1) or more qualified attorneys to represent such  
persons.

\_\_\_\_\_. Appointment of assistants and other  
staff; method of payments.--The post-conviction  
defender is authorized to appoint, employ, and  
establish, in such numbers as he or she shall  
determine, full-time assistant post-conviction defenders,  
investigators, and other clerical and support personnel  
who shall be paid from funds appropriated for that  
purpose.

\_\_\_\_\_. (a) The post-conviction defender  
shall be paid a salary equal to the amount established  
by law for district public defenders.

(b) Full-time assistant post-conviction defenders  
shall be compensated in an amount set by the post-  
conviction defender in compliance with the  
Assistant Public Defender's pay schedule and shall  
be paid from funds appropriated for that purpose.

(c) All payments of the salary of the post-  
conviction defender and employees of the office and  
payments for other necessary expenses of the

office from state funds appropriated therefor shall be considered as being for a valid public purpose.

\_\_\_\_\_-\_\_\_\_\_. Records and Reports.--The post-conviction defender shall keep appropriate records and make periodic reports concerning caseload, funding, staffing, and salaries as requested, to the Post-Conviction Defender Commission.

SECTION 2. For administrative and organizational purposes, this act shall take effect upon becoming law, the public welfare requiring it. In all other respects, this act shall be effective on September 1, 1995.

This amendment rewrites the printed bill and would create the nine (9) member Post-Conviction Defender Commission and the Office of Post-Conviction Defender to provide representation for any indigent person convicted and sentenced to death who cannot secure counsel otherwise. The amendment sets out the composition of such commission, the recording requirements of such commission, the terms of office for such commission's members, and the duties of such members. The amendment also delineates the duties of the Post-Conviction Defender.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 72**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Pruitt, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

**House Resolution No. 89** -- General Assembly, Review Or Ratification of Rules -- Approves changes in Basic Education Program proposed by State Board of Education. by \*Davidson.

Rep. Davidson moved that House Resolution No. 89 be adopted.

Rep. Davidson moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Resolution No. 89 by deleting the entire language of the resolution after the caption and by substituting instead the following:

WHEREAS, Tennessee Code Annotated, Section 49-1-302, directs the State Board of Education to develop and adopt policies, formulas, and guidelines for the fair and equitable distribution and use of public funds among public schools and for the funding of all requirements of state laws, rules, regulations and other required expenses; and

WHEREAS, Tennessee Code Annotated, Section 49-3-351, requires state funds appropriated for the basic education program (BEP), kindergarten (K) through grade twelve (12) shall be allocated pursuant to the formula devised by the State Board of Education and also prescribes the only procedure for the funding of the basic education program kindergarten (K) through grade twelve (12) shall be as provided in the formula; and

WHEREAS, the State Board of Education has approved changes to the components of the formula of the Tennessee basic education program for the fiscal year 1995-96; and

WHEREAS, the Commissioners of Finance and Administration and Education have concurred with these changes; and

WHEREAS, before any subsequent amendment or revision to the components of the formula of the Tennessee basic education program shall become effective, it shall be submitted to the Education Committees of the Senate and House of Representatives for review and recommendation and shall be approved by resolutions of the Senate and House of Representatives; and

WHEREAS, such approval shall be on the complete plan or revision and shall not be subject to amendment of the plan or revision; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That the changes and revisions to the components of the Tennessee basic education program as proposed by the State Board of Education reviewed and recommended by the Committee on Education for fiscal year 1995-96 are hereby approved.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Executive Director of the State Board of Education and the Commissioner of Education.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved that **House Resolution No. 89** be adopted, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	3
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Tindell, Windle, Winningham -- 3.

Representatives present and not voting were: Peach -- 1.

A motion to reconsider was tabled.

**House Bill No. 1172** -- Education -- Extends time for establishing maximum size of popularly elected boards of education to July 1, 1994, from January 1, 1993. Amends TCA 492-201. by \*Windle, \*Davidson(\*SB1245 by \*O'Brien,\*Womack).

On motion, House Bill No. 1172 was made to conform with **Senate Bill No. 1245**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that Senate Bill No. 1245 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1245 by adding the following as a new section immediately before the last section and by renumbering the last section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 49-2-201(a)(1), is amended by adding the following new sentence immediately after the second sentence:

In any county having a population of not less than fourteen	thousand six hundred fifty (14,650)
and not more than fifteen	thousand (15,000)

according to the 1990 federal census or any subsequent census, the board shall consist of no more members than the members authorized by general law or private act for boards of education in existence on January 1, 1994.

On motion, Amendment No. 2 was adopted.

Rep. Davidson moved that **Senate Bill No. 1245**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
 Noes ..... 0  
 Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**\*House Bill No. 580** -- Education -- Requires Tennessee Challenge 2000 reports be sent to senate and house education committees as well as joint education oversight committee. Amends TCA Title 49. by \*Davidson(SB593 \*Womack).

On motion, House Bill No. 580 was made to conform with **Senate Bill No. 593**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that **Senate Bill No. 593** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
 Noes ..... 0  
 Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West,

Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 593 and have this statement entered in the Journal: Rep(s). Coffey.

**RULES SUSPENDED**

Rep. Bittle moved to suspend the rules to allow House Bill(s) No(s). 1808, 1800, 1802, 1807, 1801, 1803, 1798, 1843 and 1844 to be heard out of order, which motion prevailed.

**SUPPLEMENTAL CALENDAR, CONTINUED**

**\*House Bill No. 1808** -- Financial Institutions, Dept. of - Purports to amend law relative to financial institutions. Amends TCA Title 45, Chapter 1. by \*Bittle, \*Wood, \*Williams (Union), \*Sharp, \*Roach, \*Patton, \*Peach, \*Newton, \*McAfee, \*Kerr, \*Kent, \*Ford S, \*Duer, \*Cole (Carter), \*Coffey, \*Clabough, \*Cantrell, \*Beavers, \*Bird, \*Haley (SB1797 by \*Elsea, \*McNally, \*Atchley, \*Haun, \*Hamilton).

On motion, House Bill No. 1808 was made to conform with **Senate Bill No. 1797**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved the Senate Bill No. 1797 be passed on third and final consideration.

Rep. Rhinehart moved that Commerce Amendment No. 1 be withdrawn, which motion prevailed.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3.

Rep. Wood moved that Amendment No. 4 be withdrawn, which motion prevailed.

**RULES SUSPENDED**

Mr. Speaker Naifeh moved to allow Commissioner Corker full access to the Chamber, which motion prevailed.

**SUPPLEMENTAL CALENDAR, CONTINUED**

Rep. Wood moved that **Senate Bill No. 1797** be passed on third and final consideration, which motion prevailed by the following vote:



Ayes ..... 76  
 Noes ..... 19

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Ford, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McKee, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Rigsby, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Chumney, Cole (Dyer), Fitzhugh, Fowlkes, Hargrove, Herron, Jackson, Lewis, McDonald, McMillan, Odom, Purcell, Ridgeway, Rinks, Shirley, Turner (Hamilton), Turner (Shelby), Williams (Williamson), Windle -- 19.

A motion to reconsider was tabled.

**\*House Bill No. 1800** -- Boards and Commissions - Purports to amend law relative to regulatory boards. Amends TCA Title 56, Chapter 1, Part 3; Title 62, Chapter 1 and Title 63, Chapter 1. by \*Bittle, \*McAfee, \*Haley, \*Kerr, \*Clabough, \*Williams (Union), \*Coffey, \*Duer, \*Kent, \*Cole (Carter), \*Newton, \*Boyer, \*Roach, \*Bird, \*Cantrell, \*Beavers, \*Patton, \*Peach, \*Wood, \*Ford S(SB1789 by \*McNally, \*Atchley, \*Elsea, \*Hamilton, \*Haun).

On motion, House Bill No. 1800 was made to conform with **Senate Bill No. 1789**; the Senate Bill was substituted for the House Bill.

Rep. McAfee moved the Senate Bill No. 1789 be passed on third and final consideration.

Rep. Rhinehart moved that Commerce Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Bowers moved adoption of Amendment No. 2 as follows:

#### Amendment No. 2

AMEND Senate Bill No. 1789 by adding the following new Section 4 and renumbering the subsequent section accordingly:

SECTION 4. The department of finance and administration shall restore the funds reallocated by this act to the appropriate regulatory boards by June 30, 1998.

Rep. McAfee moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes ..... 60  
 Noes ..... 37

Representatives voting aye were: Beavers, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey,

Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Ford, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Kent, Kerr, Kisber, McAfee, McDaniel, McKee, Newton, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Tindell, Venable, Walley, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Armstrong, Arriola, Bowers, Brooks, Brown, Chumney, Cole (Dyer), DeBerry, J., Eckles, Fitzhugh, Fowlkes, Hargrove, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Pruitt, Purcell, Ridgeway, Shirley, Stulce, Towns, Turner (Hamilton), Turner (Shelby), West, White, Windle -- 37.

Rep. Rigsby moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Head moved the previous question, which motion prevailed.

Rep. McAfee moved that **Senate Bill No. 1789** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 64  
Noes ..... 32

Representatives voting aye were: Beavers, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Givens, Gunnels, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Kent, Kerr, Kisber, McAfee, McDaniel, McKee, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Rigsby, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Armstrong, Arriola, Bowers, Brooks, Brown, Chumney, Cole (Dyer), Fitzhugh, Fowlkes, Hargrove, Herron, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kernell, Langster, Lewis, McDonald, McMillan, Miller, Odom, Pruitt, Purcell, Ridgeway, Rinks, Shirley, Towns, Turner (Hamilton), Turner (Shelby), West, Windle -- 32.

A motion to reconsider was tabled.

**\*House Bill No. 1802** -- Workers' Compensation - Purports to amend law concerning workers' compensation; makes no substantive change in law. Amends TCA Title 50, Chapter 6, by \*Bittle, \*McAfee, \*Haley, \*Kerr, \*Bird, \*Sharp, \*Clabough, \*Williams (Union), \*Duer, \*Kent, \*Cole (Carter), \*Boyer, \*Coffey, \*Cantrell, \*Patton, \*Peach, \*Newton, \*Ford S, \*Roach, \*Wood(SB1791 by \*Elsea, \*McNally, \*Atchley, \*Hamilton, \*Haun).

On motion, House Bill No. 1802 was made to conform with **Senate Bill No. 1791**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that Senate Bill No. 1791 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Consumer and Employee Affairs Committee Amendment No. 1.

On motion, Rep. Armstrong withdrew Consumer and Employee Affairs Committee Amendment No. 2.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3.

Rep Wood moved that **Senate Bill No. 1791** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 71  
Noes ..... 22

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole(Carter), Cole(Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, McAfee, McDaniel, McKee, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pruitt, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 71.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, Chumney, Hargrove, Herron, Jackson, Langster, Lewis, McDonald, McMillan, Odum, Pinion, Purcell, Ridgeway, Robinson, Shirley, Turner (Hamilton), Turner (Shelby), West, Windle -- 22.

A motion to reconsider was tabled.

**\*House Bill No. 1807** -- Tennessee Housing Development Agency - Purports to amend law concerning THDA; makes no substantive change. Amends TCA Title 13, Chapter 23. by \*Bittle, \*Wood, \*Bird, \*Sharp, \*Beavers, \*Coffey, \*Williams (Union), \*McAfee, \*Kerr, \*Newton, \*Patton, \*Peach, \*Roach, \*Haley, \*Cantrell, \*Clabough, \*Cole (Carter), \*Duer, \*Ford S(SB1796 by \*Elsea, \*McNally, \*Atchley, \*Haun, \*Hamilton).

On motion, House Bill No. 1807 was made to conform with **Senate Bill No. 1796**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that Senate Bill No. 1796 be passed on third and final consideration.

On motion, Rep. Jones R(Shelby) withdrew State and Local Government Committee Amendment No. 1.

Rep. Rigsby moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Rigsby moved the previous question, which motion prevailed.

Rep. Wood moved that **Senate Bill No. 1796** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	71
Noes .....	23
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, McAfee, McDaniel, McKee, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 71.

Representatives voting no were: Bowers, Brooks, Chumney, Cole (Dyer), Fitzhugh, Fowlkes, Hargrove, Herron, Jackson, Jones, S., Langster, Lewis, McDonald, McMillan, Miller, Odom, Purcell, Ridgeway, Shirley, Turner (Hamilton), Turner (Shelby), West, Windle -- 23.

Representatives present and not voting were: Brown -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1801** -- Economic and Community Development - Purports to amend law concerning economic "development" and growth. Amends TCA Title 4, Chapter 17. by \*Bittle, \*McAfee, \*Haley, \*Kerr, \*Beavers, \*Bird, \*Patton, \*Williams (Union), \*Coffey, \*Westmoreland, \*Duer, \*Clabough, \*Cantrell, \*Kent, \*Cole (Carter), \*Boyer, \*Newton, \*Ford S, \*Sharp, \*Peach, \*Roach, \*Wood(SB1790 by \*McNally, \*Atchley, \*Elsea, \*Hamilton, \*Haun).

On motion, House Bill No. 1801 was made to conform with **Senate Bill No. 1790**; the Senate Bill was substituted for the House Bill.

Rep. McAfee moved that Senate Bill No. 1790 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. McAfee moved that **Senate Bill No. 1790** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	76
Noes .....	19

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McKee, Miller, Napier, Newton, Patton,

Peach, Phelan, Phillips, Pruitt, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Arriola, Chumney, Cole (Dyer), Hargrove, Herron, Jackson, Jones, S., Lewis, McDonald, McMillan, Odom, Pinion, Purcell, Ridgeway, Shirley, Turner (Hamilton), Turner (Shelby), West, Windle -- 19.

A motion to reconsider was tabled.

**\*House Bill No. 1803** -- Workers' Compensation - Purports to amend law concerning workers' compensation; makes no substantive change. Amends TCA Title 50, Chapter 6. by \*Bittle, \*Wood, \*Haley, \*Kerr, \*Clabough, \*Williams (Union), \*Duer, \*Newton, \*Kent, \*Cole (Carter), \*Boyer, \*Coffey, \*Bird, \*Cantrell, \*Patton, \*Peach, \*Ford S, \*Roach, \*Sharp(SB1792 by \*Haun, \*McNally, \*Atchley, \*Elsea, \*Hamilton).

On motion, House Bill No. 1803 was made to conform with **Senate Bill No. 1792**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that Senate Bill No. 1792 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Consumer and Employee Affairs Committee Amendment No. 1.

Rep. Wood moved that **Senate Bill No. 1792** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 70  
Noes ..... 26

Representatives voting aye were: Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Joyce, Kent, Kerr, Kisber, McAfee, McDaniel, McKee, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pruitt, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Armstrong, Arriola, Bowers, Brooks, Chumney, Cole (Dyer), Fitzhugh, Fowlkes, Hargrove, Herron, Jackson, Jones, S., Kernell, Langster, Lewis, McDonald, McMillan, Odom, Pinion, Purcell, Ridgeway, Shirley, Turner (Hamilton), Turner (Shelby), West, Windle -- 26.

A motion to reconsider was tabled.

**\*House Bill No. 1798** -- Unclaimed Property - Purports to amend law concerning unclaimed property; makes no substantive change in law. Amends TCA Title 66, Chapter 29. by \*Bittle, \*McAfee, \*Kerr, \*Patton,

\*Williams (Union), \*Coffey, \*Boyer, \*Clabough, \*Kent, \*Cole (Carter), \*Newton, \*Roach, \*Duer, \*Bird, \*Beavers, \*Cantrell, \*Peach, \*Wood, \*Ford S, \*Haley(SB1787 by \*McNally, \*Atchley, \*Elsea, \*Hamilton, \*Haun).

On motion, House Bill No. 1798 was made to conform with **Senate Bill No. 1787**; the Senate Bill was substituted for the House Bill.

Rep. McAfee moved that Senate Bill No. 1787 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3.

Rep. McAfee moved that **Senate Bill No. 1787** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	81
Noes .....	11
Present and not voting .....	1

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McKee, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winingham, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Arriola, Hargrove, Jones, S., McDonald, McMillan, Odum, Shirley, Turner (Hamilton), Turner (Shelby), West, Windle -- 11.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

#### SPECIAL ORDER

On motion, House Bill(s) No(s). 1843 and 1844 were held on the Clerk's desk to be heard at the Call of Rep. Bittle.

#### SUPPLEMENTAL CALENDAR, CONTINUED

**House Bill No. 1416** -- Custody and Support - Enumerates factors to be considered in determining child custody; requires court to grant

non-custodial parent adequate visitation to maintain parent-child relationship. Amends TCA Title 36, Chapter 6. by \*Chumney(\*SB620 by \*Harper, \*Jordan).

On motion, House Bill No. 1416 was made to conform with **Senate Bill No. 620**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 620 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Chumney moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Chumney moved that **Senate Bill No. 620** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1869** -- Shelby County - Subject to local approval, revises hotel motel tax act. Amends Chapter 131, Private Acts of 1969, as amended. by \*Miller L, \*Kent, \*Byrd(SB1852 by \*Ford J, \*Person, \*Kyle, \*Dixon, \*Leatherwood, \*Cohen).

On motion, House Bill No. 1869 was made to conform with **Senate Bill No. 1852**; the Senate Bill was substituted for the House Bill.

Rep. Miller moved that Senate Bill No. 1852 be passed on third and final consideration.

Rep. Shirley moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1852 by designating the substituted amendatory subsection (d) of Section 2 as subsection (d)(1) and by deleting from the first sentence the language " shall be used" and by substituting instead the language " shall be allocated in the manner provided in subdivision (2) of this subsection. Remaining funds shall be used" .

AND FURTHER AMEND by adding the following language as a new subdivision (d)(2) to Section 2:

(2) On the date the debt service on the original issue of bonds for bonded indebtedness incurred by the city and the county for the construction of the existing Cook Convention Center shall become paid in full as to both principal and interest, all taxes collected by operators from transients occupying rooms in hotels located within the incorporated boundaries of any municipality, other than the city of Memphis, shall be allocated to and returned to the municipality in which such taxes were collected. The clerk shall forward such funds not less than quarterly to the tax collection official of the municipality in which such taxes were collected.

AND FURTHER AMEND by inserting the language in the substituted amendatory subsection (e) of Section 3 " , after allocating funds to municipalities in the manner provided in subsection (d)(2)" between the words " Cook Convention Center" and the words " and after funds" .

AND FURTHER AMEND by inserting the language " after allocating funds to municipalities in the manner provided in subsection (d)(2)," in subsection (f) of Section 4 between the language " Cook Convention Center," and the words " after funds" .

Rep. Miller moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes ..... 66  
Noes ..... 23  
Present and not voting ..... 3

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Burchett, Callicott, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Fowlkes, Givens, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, McDaniel, McDonald, McKee, McMillan, Miller, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, White, Whitson, Williams (Williamson), Windle, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Boyer, Cantrell, Clabough, Coffey, Dunn, Ford, Gunnels, Haley, Kerr, McAfee, Newton, Odom, Patton, Peach, Ramsey, Sharp, Shirley, Stamps, Venable, Westmoreland, Williams (Union), Winningham, Wood -- 23.



Representatives present and not voting were: Beavers, Halteman Harwell, Lewis -- 3.

Rep. Jones U(Shelby) moved the previous question, which motion prevailed.

Rep. Miller moved that **Senate Bill No. 1852**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	71
Noes .....	8
Present and not voting .....	12

Representatives voting aye were: Armstrong, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Haley, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McKee, McMillan, Miller, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 71.

Representatives voting no were: Arriola, Burchett, Coffey, Herron, Newton, Sharp, Shirley, West -- 8.

Representatives present and not voting were: Beavers, Davidson, Dunn, Ford, Halteman Harwell, Hargrove, Jackson, Lewis, McDonald, Ramsey, Venable, Williams (Union) -- 12.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 1852 and have this statement entered in the Journal: Rep(s). Eckles.

#### CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

#### SUPPLEMENTAL CALENDAR, CONTINUED

**\*House Bill No. 128** -- Garnishments and Executions - Creates presumption that judge will order income assignment to pay court costs and fine when person convicted of DUI; gives such assignment priority above everything but child support. Amends TCA Title 55, Chapter 10, Part 4. by \*Herron, \*Ridgeway, \*Pinion, \*Curtiss, \*Fitzhugh, \*McDonald, \*West, \*Shirley, \*Haley, \*Williams (Union), \*Hassell, \*Tindell, \*DeBerry J, \*Halteman Harwell, \*Lewis, \*Walley, \*Byrd, \*Ford S, \*Givens(SB711 by \*Crowe).

Rep. Herron moved that House Bill No. 128 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 128 by deleting subsection (g) of the amendatory language of SECTION 1 in its entirety and by relettering subsequent subsections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Herron moved that **House Bill No. 128**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1793 -- Unemployment Compensation -** Purports to clarify Employment Security Law. Amends TCA 50-7-303, 304, 305, 404. by \*Bittle, \*Bird, \*Cantrell, \*Clabough, \*Patton, \*Wood, \*Coffey, \*Davis, \*Gunnels, \*Williams (Union), \*Beavers, \*Kent, \*Cole (Carter), \*Kerr, \*Sharp, \*Ford S, \*Newton, \*Peach, \*Roach, \*Haley(SB1781 by \*Elsea, \*Rice, \*Carter, \*Haun, \*McNally, \*Atchley).

Rep. Gunnels moved that House Bill No. 1793 be reset to the Calendar for Thursday, May 25, 1995, which motion prevailed.

**House Bill No. 1182 -- Regional Authorities - Enacts "Municipal Port Authority Act,"** in Memphis. by \*Jones R (Shelby), \*Miller L, \*Jones U (Shelby), \*DeBerry L, \*Byrd(\*SB1114 by \*Ford J).

On motion, House Bill No. 1182 was made to conform with **Senate Bill No. 1114**; the Senate Bill was substituted for the House Bill.

Rep. Jones R (Shelby) moved the Senate Bill No. 1114 be passed on third and final consideration.

On motion, Rep. Jones R(Shelby) withdrew State and Local Government Committee Amendment No. 1

Rep. Jones R(Shelby) moved that **Senate Bill No. 1114** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Finion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1764** -- Criminal Offenses - Removes requirement that first degree murder must be premeditated and deliberate; removes requirement that first degree felony murder must be reckless; removes requirement that second degree murder when death caused by unlawful drug distribution be reckless; raises vehicular homicide from Class C to Class B felony unless negligence of victim substantially contributed to victim's death. Amends TCA Title 39, Chapter 13, Part 2. by \*Bittle, \*Kent, \*Cole (Carter), \*Kisber, \*Williams (Union), \*Roach, \*Ramsey, \*Kerr, \*Stamps, \*Davis, \*Westmoreland, \*Coffey, \*Callicott, \*Clabough, \*Newton, \*Venable, \*Duer, \*Peach, \*Beavers, \*Cantrell, \*Sharp, \*Patton, \*Shirley, \*Bird, \*Ford S, \*Haley, \*Wood, \*Buck, \*Dunn(\*SB1749 by \*Wright, \*Atchley, \*Person, \*Elsea, \*Leatherwood, \*McNally, \*Miller J, \*Gilbert, \*Carter, \*Holcomb, \*Haun, \*Jordan, \*Fowler, \*Hamilton).

On motion, House Bill No. 1764 was made to conform with **Senate Bill No. 1749**; the Senate Bill was substituted for the House Bill.

Rep. Bittle moved that Senate Bill No. 1749 be passed on third and final consideration.

1. On motion, Rep. Buck withdrew Judiciary Committee Amendment No.
2. On motion, Rep. Buck withdrew Judiciary Committee Amendment No.

Rep. Bittle moved that **Senate Bill No. 1749** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on **Senate Bill No. 1749** and have this statement entered in the Journal: Rep(s). Brooks.

#### SUPPLEMENTAL CALENDAR, CONTINUED

**\*House Bill No. 1574** -- Election Laws - Decreases from 100 to 25 number of registered voters that must sign nomination petition for delegate to national party convention. Amends TCA Title 2, Chapter 13. by \*Stamps(SB1632 by \*Atchley).

On motion, House Bill No. 1574 was made to conform with **Senate Bill No. 1632**; the Senate Bill was substituted for the House Bill.

Rep. Stamps moved that Senate Bill No. 1632 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State and Local Government Committee Amendment No. 1.

Rep. Stamps moved adoption of Amendment No. 2 as follows:

#### Amendment No. 2

AMEND Senate Bill No.1632 by deleting all the language after the enacting clause and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 2-13-303(d), is amended by deleting the word " national" and substituting instead the words " national or state" .

Section 2. Tennessee Code Annotated, Section 2-13-318 is amended by deleting the word "national" and substituting instead the words "national or state".

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Purcell moved the previous question, which motion was immediately withdrawn.

Rep. Gunnels moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Gunnels moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Stamps moved that **Senate Bill No. 1632**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	60
Noes .....	27
Present and not voting .....	6

Representatives voting aye were: Arriola, Bird, Bittle, Boyer, Bragg, Byrd, Cantrell, Coffey, Cole (Carter), Cole (Dyer), Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Ford, Fowlkes, Haley, Halteman, Harwell, Hassell, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Newton, Odom, Patton, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Rigsby, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Windle, Wood, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Armstrong, Beavers, Bell, Bowers, Brooks, Brown, Buck, Burchett, Callicott, Chumney, Clabough, Cross, Curtiss, Gunnels, Herron, Kisber, McKee, Napier, Peach, Pinion, Ramsey, Ridgeway, Rinks, Shirley, Turner (Shelby), Williams (Williamson), Winningham -- 27.

Representatives present and not voting were: Fitzhugh, Givens, Hargrove, Jackson, Jones, U. (Shelby), Kernell -- 6.

A motion to reconsider was tabled.

**\*House Bill No. 581** -- Education -- Requires state board of education to send copy of minutes of board meetings to chairs of house and senate education committees. Amends TCA Title 49. by \*Davidson(SB594 by \*Womack).

Rep. Davidson moved that House Bill No. 581 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 581 by deleting all language after the enacting clause and substituting therefore the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is hereby amended by adding the following language as a new section:

(a) Beginning with the 1995-1996 fiscal year, for each local education agency (LEA) whose instructional salaries and employer-paid insurance premiums average less than twenty-eight thousand ninety-four dollars (\$28,094) per instructional position, there shall be an allocation of state and local funds based on: (1) the difference between the aforesaid minimum and the actual average instructional salaries and employer-paid insurance premiums, (2) the social security and retirement rates used each year in the basic education program (BEP) formula established in Section 49-3-351, and (3) the number of instructional positions generated each year by the BEP formula. The state shall pay each year from direct appropriations in support of teachers' salary equity a percentage share of such allocation based on the state classroom percentages determined for each LEA by the BEP formula. Every local government shall appropriate funds sufficient to fund the local share of the allocation for teachers' salary equity established in this section. No LEA shall commence the fall term until its share of such allocation for teachers' salary equity established in this section has been included in the budget approved by the local legislative body.

(b) Any LEA that receives funds for teachers' salary equity under subsection (a) shall apply such funds to establish a schedule that raises the average compensation package (instructional salaries and employer-paid insurance premiums) of instructional personnel of the LEA to twenty-eight thousand ninety-four dollars (\$28,094). This compensation improvement may be in the form of salaries, employer-paid health insurance premiums or any combination of the two.

(c) If state funds appropriated for teachers' salary equity are insufficient to meet the local public school systems' entitlements under subsection (a), the commissioner shall apply a pro rata

reduction to the amount for which each system is eligible. The same pro rata reduction shall be applied to the local matching requirement established in subsection (a). In addition, the local school board shall apply the same pro rata reduction to the average increase per instructional position required to reach twenty-eight thousand ninety-four dollars (\$28,094).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes ..... 72  
Noes ..... 10  
Present and not voting ..... 1  
Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 72.

Representatives voting no were: Boyer, Duer, Fowlkes, Givens, Kernell, McAfee, Phelan, Tindell, Whitson, Williams (Union) -- 10.

Representatives present and not voting were: Ritchie -- 1.

Rep. Davidson moved that **House Bill No. 581**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes ..... 3  
Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Burchett, Givens, Whitson -- 3.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 581 and have this statement entered in the Journal: Rep(s). Rinks.

SUPPLEMENTAL CALENDAR, CONTINUED

**House Bill No. 1687** -- Education -- Provides for conversion of existing pilot project study in Robertson County on Attention Deficit/Hyperactive Children Education Program into statewide model program for providing appropriate education and other services to ADHD children. Amends TCA Title 49. by \*Davidson, \*Head, \*McMillan, \*Eckles, \*Williams (Williamson), \*Purcell, \*Winningham, \*Bragg(\*SB1210 by \*Womack).

Rep. Davidson moved that House Bill No. 1687 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1687 by deleting Sections 3 and 4 and by renumbering subsequent sections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved that **House Bill No. 1687**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 1048** -- Taxes, Income -- Exempts from payment of Hall Income Tax persons who are totally and permanently disabled. Amends TCA Title 67, Chapter 2, Part 1. by \*Shirley, \*Haley, \*Byrd(\*SB612 by \*Leatherwood).

Rep. Shirley moved that House Bill No. 1048 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:



Amendment No. 1

AMEND House Bill No. 1048 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-2-104(c), is amended by deleting the language " held by blind persons are exempt from the tax herein imposed" and by substituting instead the language " held by blind persons, or by persons certified, in writing, by a medical doctor to be a quadriplegic, and where such income is derived from circumstances resulting in the individual becoming a quadriplegic, are exempt from the tax herein imposed" .

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all Tennessee income tax returns filed for tax years ended thereafter.

On motion, Amendment No. 1 was adopted.

Rep. Shirley moved that **House Bill No. 1048**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 6** -- Bond Issues -- Authorizes state to issue bonds of \$54 million for area vocational technical schools under board of regents supervision. by \*Bragg, \*Byrd(SB47 by \*Womack).

Rep. Bragg moved that House Bill No. 6 be reset to the Calendar for Thursday, May 25, 1995, which motion prevailed.

**House Bill No. 477** -- Judicial Districts -- Creates one criminal court judge position, three assistant district attorney general positions and one criminal investigator position for 30th judicial district. Amends TCA Title 16, Chapter 2, Part 5. by \*Hassell, \*Chumney, \*DeBerry L, \*Byrd, \*Jones U (Shelby), \*Kent,

\*Turner (Shelby), \*Haley, \*Miller L, \*Jones R (Shelby), \*Joyce, \*Kernell, \*DeBerry J(\*SB12 by \*Person, \*Leatherwood, \*Kyle, Cohen, Ford J, Dixon).

On motion, House Bill No. 477 was made to conform with **Senate Bill No. 12**; the Senate Bill was substituted for the House Bill.

Rep. Hassell moved that Senate Bill No. 12 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Hassell moved that **Senate Bill No. 12** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Rinks -- 1.

A motion to reconsider was tabled.

**House Bill No. 1537** -- Human Services, Dept. of -- Directs department of human services, acting in consultation with departments of education, health, and mental health and mental retardation, to establish, by means of competitive grants and technical assistance, "parents as first teachers" pilot projects in one or more counties. Amends TCA Titles 49, 68, 71. by \*Stulce(\*SB1711 by \*Crutchfield).

Rep. Stulce moved that House Bill No. 1537 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1537 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds

shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act. Such funds shall be in addition to any funds appropriated for the Healthy Start Program.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1537 by inserting the following as a new section immediately preceding the final section and by renumbering the final section accordingly:

SECTION \_\_\_\_ . State expenditures for such pilot projects shall annually total less than one hundred thousand dollars (\$100,000).

On motion, Amendment No. 1 was adopted.

Rep. Stulce moved that **House Bill No. 1537**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 919** -- Taxes, Sales -- Clarifies that state sales and use taxes are not to be mistaken as federal taxes on sales of tobacco products. Amends TCA Title 67, Chapter 6. by \*Rhinehart(\*SB1129 by \*Rochelle).

Rep. Rhinehart moved that House Bill No. 919 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 919 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-6-319, is amended by designating the existing section as subsection (a) and by adding the following new subsection (b):

(b) There is exempt from the sales and use tax imposed by this chapter prescription drugs distributed free of charge by the manufacturer, including packaging materials and constituent elements and ingredients.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Jones U (Shelby) moved the previous question, which motion prevailed.

Rep. Rhinehart moved that **House Bill No. 919**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes ..... 4  
Present and not voting ..... 2

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Eckles, Fitzhugh, Ford, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Coffey, Dunn, Peach, Tindell -- 4.

Representatives present and not voting were: Beavers, Brooks -- 2.

A motion to reconsider was tabled.

**House Bill No. 1762** -- Sentencing -- Requires person convicted of one of violent felonies enumerated in "3 strikes" definition (TCA 4035-120) on or after July 1, 1995, to serve 100 percent of sentence imposed by court. Amends TCA Title 40, Chapter 35. by \*Bittle, \*Stamps, \*McDaniel, \*Kisber, \*Williams (Union), \*Roach, \*Kent, \*Ramsey, \*Kerr, \*Clabough, \*Beavers, \*Davis, \*Westmoreland,

\*Callicott, \*Coffey, \*Patton, \*Newton, \*Venable, \*Duer, \*Peach,  
\*Cantrell, \*Sharp, \*Wood, \*Ford S, \*Bird, \*Shirley, \*Haley, \*Buck,  
\*Dunn, \*Halteman Harwell, \*Byrd(\*SB1747 by \*Leatherwood, \*Atchley,  
\*Person, \*McNally, \*Wright, \*Carter, \*Holcomb, \*Miller J, \*Elsea,  
\*Haun, \*Jordan, \*Fowler, \*Hamilton).

Rep. Stamps moved that House Bill No. 1762 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1762 by deleting subsection (i) of the amendatory language of SECTION 1 in its entirety and substituting instead the following:

(i)(1) There shall be no release eligibility for a person committing an offense on or after July 1, 1995 that is enumerated in subpart (2) of this subsection. Such person shall serve one hundred percent (100%) of the sentence imposed by the court less sentence credits earned and retained. Provided, however, no sentence reduction credits authorized by Tennessee Code Annotated, Section 41-21-236, or any other provision of law shall operate to reduce the sentence imposed by the court by more than fifteen percent (15%).

(2) The offenses to which the provisions of subpart (1) of this subsection apply are:

- (A) Murder in the first degree;
- (B) Murder in the second degree;
- (C) Especially aggravated kidnapping;
- (D) Aggravated kidnapping;
- (E) Especially aggravated robbery;
- (F) Aggravated rape;
- (G) Rape;
- (H) Aggravated sexual battery;
- (I) Rape of a child;
- (J) Aggravated arson; or
- (K) Aggravated child abuse.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1762 by adding the following new subpart (3) to the amendatory language of subsection (i) as amended by House Judiciary Committee Amendment No. 1:

Nothing in this subsection shall be construed as affecting, amending or altering the provisions of Tennessee Code Annotated, Section 39-13-523, which requires child rapists and multiple rapists to serve the entire sentence imposed by the court undiminished by any sentence reduction credits.

Rep. Stamps requested that House Bill No. 1762 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 1778 -- Sentencing --** Requires person committing certain violent felony on or after July 1, 1995, who has prior conviction for certain violent felony to be sentenced to life without possibility of parole. Amends TCA Title 40, Chapter 35. by \*Bittle, \*Kent, \*Cole (Carter), \*Kisber, \*Williams (Union), \*Roach, \*Bird, \*Ramsey, \*Kerr, \*Clabough, \*Davis, \*Westmoreland, \*Coffey, \*Callicott, \*Walley, \*Newton, \*Venable, \*Stamps, \*Duer, \*Peach, \*Beavers, \*Cantrell, \*Sharp, \*Patton, \*Haley, \*Shirley, \*Wood, \*Ford S, \*Buck, \*Dunn, \*Pinion, \*Byrd(\*SB1763 by \*Person, \*Atchley, \*Rice, \*McNally, \*Leatherwood, \*Miller J, \*Hamilton).

Rep. Kent moved that House Bill No. 1778 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1778 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-120, is amended by deleting the period "." at the end of subsection (a) (4), substituting instead the word and punctuation " ; or" and by adding the following new subdivisions:

(5) Is convicted in this state on or after July 1, 1995, of any offense classified in subsection (d) (1) as a violent offense; and

(6) Has at least one (1) prior conviction for an offense classified in subdivision (d) (1) or (d) (2) as a violent offense with the exception of the prior offense of robbery by use of a deadly weapon as listed in § 40-35-118.

SECTION 2. Tennessee Code Annotated, Section 40-35-120, is further amended by adding the following new subsection (d) and by relettering present subsections (d), (e), (f), (g) and (h) accordingly:

(d) (1) For purposes of subdivisions (a) (5) and (a) (6), the following offenses are classified as violent offenses:

- (A) First degree murder;
- (B) Second degree murder;
- (C) Especially aggravated kidnapping;
- (D) Especially aggravated robbery;
- (E) Aggravated rape;
- (F) Rape of a child;
- (G) Aggravated arson;
- (H) Aggravated kidnapping;
- (I) Rape;
- (J) Aggravated sexual battery;
- (K) Especially aggravated burglary;
- (L) Aggravated child abuse;
- (M) Aggravated sexual exploitation of minor; or
- (N) Especially aggravated sexual exploitation of

a minor.

(2) For purposes of subdivision (a)(6), the offenses which were repealed on November 1, 1989, and are listed in § 40-35-118 as Class A or B felonies against a person, with the exception of the offense of robbery by use of a deadly weapon, are classified as violent offenses.

SECTION 3 Tennessee Code Annotated, Section 40-35-120, is further amended by deleting original subsection (d)(1) in its entirety and substituting instead the following:

(1) "Prior conviction" means a defendant serves and is released from a period of incarceration for the commission of an offense or offenses so that a defendant must, to qualify under subdivision (a)(1) and (a)(2), have served two (2) separate periods of incarceration for the commission of at least two (2) of the predicate offenses designated in subdivision (b)(1) or (b)(2) before committing an offense designated in subdivision (b)(1), or, to qualify under subdivision (a)(3) and (a)(4), at least one (1) separate period of incarceration for the commission of a predicate offense designated in subdivision (c)(1) or (c)(2) before committing an offense designated in subdivision (c)(1), or to qualify under subdivision (a)(5) and (a)(6), at least one (1) separate period of incarceration for the commission of a predicate offense designated in subdivision (d)(1) or (d)(2), with the exception of the prior offense of robbery by use of a deadly

weapon as listed in § 40-35-118, before committing  
an offense designated in subdivision (d)(1);

SECTION 4. Tennessee Code Annotated, Section 40-35-120, is further amended by deleting from original subsection (d)(4) the language " (d)(1)" both times it appears and substituting instead the language " (e)(1)" .

SECTION 5. Tennessee Code Annotated, Section 40-35-120, is further amended by deleting from the second sentence of the original subsection (d)(2) the language " (b) or (c)" and substituting instead the language " (b), (c) or (d)" .

SECTION 7. Tennessee Code Annotated, Section 40-35-120, is further amended by deleting from original subsection (d)(3) the language " (b) or (c)" and substituting instead the language " (b), (c) or (d)" .

SECTION 8. Tennessee Code Annotated, Section 40-35-120, is further amended by deleting from the first and second sentence of original subsection (d)(4) the language " (b) or (c)" and substituting instead the language " (b), (c) or (d)" .

SECTION 9. Tennessee Code Annotated, Section 40-35-120, is further amended by deleting from the second sentence of original subsection (d)(4) the language " (b) or (c)" and substituting instead the language " (b), (c) or (d)" .

SECTION 10. Tennessee Code Annotated, Section 40-35-120, is further amended by deleting original subsection (f) and substituting instead the following:

The court shall sentence a defendant who has been convicted of any offense listed in subdivision (b)(1), (c)(1) or (d)(1) to imprisonment for life without possibility of parole if the court finds beyond a reasonable doubt that the defendant is a repeat violent offender as defined in subsection (a).

SECTION 11. This act shall take effect on July 1, 1995, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved that **House Bill No. 1778**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0



Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigbsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 1895** -- Taxes -- Excludes certain inventory from franchise tax minimum measure and apportionment formula property factor; for sales tax purposes, includes certain equipment used in qualified, new or expanded warehouses or distribution facilities in definition of "industrial machinery." Amends TCA 67-4-906, 910, 67-6-102. by \*Bittle, \*Kisber, \*Walley(SB1883 by \*Atchley, \*Rochelle, \*Wildier, \*Crutchfield, \*Elsea, \*O'Brien, \*Leatherwood).

Rep. Kisber moved that House Bill No. 1895 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1895 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-4-906(a), is amended by deleting subdivision (1) in its entirety and substituting instead the following:  
(1) The measure of the tax hereby imposed shall be less than the actual value of the property owned, or property used, in Tennessee, excluding exempt inventory.

Tennessee Code Annotated, Section 67-4-906(a), is further amended by adding the following new subdivisions:

(8) "Exempt inventory" shall mean that portion of a corporation's finished goods inventory in excess of fifty million dollars (\$50,000,000) for corporate fiscal years beginning on or after July 15, 1996, forty million dollars (\$40,000,000) for corporate fiscal years beginning on or after July 15, 1997, and thirty million dollars (\$30,000,000) for corporate fiscal years beginning on or after July 15, 1998, that would otherwise be included in the minimum measure of the corporation's franchise tax base.

tangible personal (9) "Finished goods inventory" means property which is:

(A) Owned by the taxpayer;

(B) Shown on the taxpayer's books and kept in accordance with Accounting Principles;

(C) Held for wholesale or retail sale; and

(D) In need of no further fabrication processing by or for the owner; configuring,

or except, in the case of testing or packaging of computer products.

(10) "Configuring" computer products means integrating a computer with peripheral computer products, such as a hard disk drive, additional memory or software.

Section 2. Tennessee Code Annotated, Section 67-4-910(b), is amended by deleting the subdivision (1) in its entirety and substituting instead the following:

(1) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property, excluding exempt inventory as defined in Tennessee Code Annotated, Section 67-4-906(a) (8), owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property, excluding exempt inventory, owned or rented and used during the tax period.

Section 3. Tennessee Code Annotated, Section 67-6-102, subsection (12), is amended by adding at the end of the subsection the following new subdivision:

(G) Material handling equipment and racking systems, used by a corporation subject to Tennessee franchise, excise taxes, directly and primarily for the storage or handling and movement of tangible personal property in a qualified, new or expanded warehouse or distribution facility, which are purchased beginning one (1) year prior to the start of the construction or expansion and ending one (1) year after the substantial completion of the facility, but in no event shall the period exceed three (3) years.

A "qualified, new or expanded warehouse or distribution facility" means a new or expanded facility, which meets the requirements set out herein, for the storage or distribution of finished tangible

personal property. Such facilities shall not include a building where tangible personal property is fabricated, processed, assembled or sold over-the-counter to consumers, except for taxpayers which qualify under the provisions of Public Chapter 185 of the 1995 Public Acts or are configuring, testing or packaging computer products.

"Configuring" computer products means integrating a computer with peripheral computer products, such as a hard disk drive, additional memory or software. A qualifying facility must also be:

(i) A warehouse or distribution facility constructed in this state through an investment in excess of ten million dollars (\$10,000,000) by the taxpayer, and/or a lessor to the taxpayer, over a period not exceeding three (3) years, in a newly constructed and previously unoccupied building(s) and/or equipment for the facility; or

(ii) An expansion to an existing warehouse or distribution facility, previously qualified under subdivision (G)(i), through an additional investment in excess of ten million dollars (\$10,000,000) by the taxpayer, and/or a lessor to the taxpayer over an additional period not exceeding three (3) years, for additions to the building(s) and the purchase of new equipment for use in the expanded facility.

Section 4. A taxpayer shall qualify for the exemption afforded to material handling and racking systems under Section 3 of this Act by submitting an application to the Commissioner of

Revenue for the exemption, together with a plan describing the investment to be made. The application and plan shall be submitted on forms prescribed by the Commissioner of Revenue. The plan shall demonstrate that the requirements of the law will be met. Upon approval of the exemption request

and plan for investment, purchases of the equipment may be made without payment of the sales or use tax. However, if the requisite investment is not made in the time period required, or the terms of the statute are not met, the taxpayer shall be subject to assessment for any tax, penalty or interest which would otherwise have been due.

Section 5. This act shall take effect upon becoming law, the public welfare requiring it. Section 3 and Section 4 of this act shall apply to investments in facilities and purchases of equipment made on or after April 1, 1995.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 1895**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1163** -- Railroads -- Revises fees of public service commission for inspection, control, and supervision of business, service and rates of railroads. Amends TCA Title 65, Chapter 3, Part 2. by \*Davis, \*Cole (Dyer) (\*SB1133 BY \*Cooper).

Rep. Davis moved that House Bill No. 1163 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1163 by deleting the words and figures "two cents (2¢)" in the amendatory language of Section 1 of the printed bill and substituting the words and figures "four cents (4¢)".

AND FURTHER AMEND in the amendatory language in Section 1 of the printed bill by deleting the dates "June 30, 1995" and "1994" and by substituting the dates "July 1, 1995" and "1995" respectively.

AND FURTHER AMEND in amendatory Section 65-3-202 in Section 2 of the printed bill by deleting the last three sentences and substituting the following:

Effective June 30, 1996, the balance in the railroad account is to reflect all fees collected for the fiscal year and should reflect any payments authorized by this chapter for the fiscal year and each year thereafter. The same accounting procedures used by the department of finance and administration for the determination of other reserve fund balances for the commission shall be applicable to the railroad account balance.

AND FURTHER AMEND by redesignating Section 4 of the printed bill to be Section 5 and by adding a new Section 4, as follows:

SECTION 4. The public service commission is hereby authorized to allocate any remaining balance from the railroad account from the preceding fiscal year to offset railroad program operating costs or railroad related safety programs.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1163 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ . Implementation of this act shall not result in any reduction of employment at the public service commission.

On motion, Amendment No. 2 was adopted.

Rep. Davis moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1163 by adding the following language at the end of subsection (c) of Section 1:

The reduction in fees under this subsection shall take effect if and only if the transition team created pursuant to SB 1927/HB 1938 makes a determination of fact that such reduction will not impair the ability of the public service commission, the Tennessee regulatory agency, or the department of transportation to fully fund and staff their programs. Upon making such determination, the transition team shall promptly notify the public service commission, the Tennessee regulatory agency, or the department of transportation of such determination of fact and such reduction shall occur sixty (60) days thereafter.

On motion, Amendment No. 3 was adopted.

Rep. Davis moved that **House Bill No. 1163**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd,

Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitchugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

**House Bill No. 1276** -- Recreation -- Enacts "Tennessee Recreation Initiative Program of 1995." Amends TCA Title 11, Chapter 9. by \*Williams (Union), \*Walley, \*Callicott, \*Cross, \*Curtiss(\*SB1092 by \*Crutchfield).

Rep. Williams(Union) moved that House Bill No. 1276 be passed on third and final consideration.

Rep. Napier moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1276 by adding the following language at the end of Section 3(b):

Any grant proposal which is based on a multi-government project shall have priority over all other projects submitted by a single governmental entity.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1276 by deleting the second sentence of Section 3(b), as introduced, in its entirety.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1276 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 3 was adopted.

Rep. Williams(Union) moved that **House Bill No. 1276**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 3

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Beavers, Chumney, Haley -- 3.

A motion to reconsider was tabled.

**House Bill No. 905** -- Minority Affairs -- Creates commission for African American justice and equality. Amends TCA Title 4, Chapter 11. by \*Brooks, \*Turner (Shelby), \*Jones R (Shelby), \*Brown, \*Armstrong, \*DeBerry L, \*DeBerry J, \*Miller L, \*Jones U (Shelby), \*Towns, \*Langster, \*Pruitt(\*SB565 by \*Dixon).

Rep. Brooks moved that House Bill No. 905 be passed on third and final consideration.

Rep. Jones R (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 905 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 11, is amended by adding the following as a new, appropriately designated part:

SECTION \_\_\_\_\_. There is hereby created a commission on the African American struggle for justice, equality and opportunity.

SECTION \_\_\_\_\_. The Commission shall consist of:

- appointed by (a) One (1) member of the Senate, to be the Speaker of the Senate;
- Representatives, to (b) One (1) member of the House of be appointed by the Speaker of the House;
- of the African (c) Three (3) historians having knowledge American struggle for justice, equality, and opportunity, one (1) of whom shall reside in each grand division of the state, to be appointed by a majority of the House and Senate appointees;
- Historical (d) One (1) representative of the Tennessee Commission, to be appointed by the Governor;
- whom (e) Three (3) committee members, one (1) of shall reside in each grand division of the state, to be appointed by a majority of the House and Senate appointees.

SECTION \_\_\_\_\_. With regard to the African American struggle for justice, equality, and opportunity, it shall be the duty of the commission to:

- assembly and (a) recommend annually to the general the governor an appropriate observance of specific days of reflection and remembrance to commemorate those Tennesseeans who gave their lives to advance the principles of justice, equality, and opportunity for all;
- culturally specific (b) review, monitor and recommend educational outreach programs for public school teachers to better enable such teachers to inform students of the history and impact of the civil rights movement in our state and nation;
- at the (c) review, monitor and recommend exhibits Tennessee state museum and at other public places around the state;
- units for (d) review, monitor and recommend teaching public school teachers in cooperation with the state board of education;
- culturally specific (e) review, monitor and recommend conferences for professors teaching at Tennessee's higher education institutions;



(f) facilitate commemorative services for the annual days of reflection and remembrance in Memphis, Jackson, Nashville, Chattanooga, Knoxville, and Johnson City; and

(g) review, monitor and recommend other culturally specific activities to periodically inform and remind all Tennesseans of the persons, events, and importance of the civil rights movement.

SECTION \_\_\_\_\_. In addition to state appropriations, the commission may solicit and receive private funding to effectuate its purposes.

SECTION \_\_\_\_\_. The commission shall be attached to the department of finance and administration for the purpose of administration only. Non-legislative members of the commission shall not be entitled to receive a salary for their services but may receive reimbursement for reasonable travel expenses to be paid in accordance with the comprehensive travel regulations approved by the commissioner of finance and administration and the attorney general. Legislative members of the commission shall not be entitled to receive a salary for time spent on commission business but may receive reimbursement for travel expenses in accordance with the provisions of Tennessee Code Annotated, Section 3-1-106.

SECTION 2. This act shall take effect on July 1, 1995, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McAfee moved that House Bill No. 905 be re-referred to the Calendar and Rules Committee.

Rep. Jones R (Shelby) moved that the motion to re-refer to the Calendar and Rules Committee be tabled, which motion failed by the following vote:

Ayes .....	26
Noes .....	57

Representatives voting aye were: Armstrong, Bell, Bowers, Brown, Byrd, Chumney, Cross, DeBerry, J., DeBerry, L., Fitzhugh, Herron, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Langster, Napier, Pruitt, Ridgeway, Ritchie, Robinson, Tindell, Turner (Hamilton), Turner (Shelby), Williams (Williamson), Windle -- 26.

Representatives voting no were: Arriola, Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Joyce, Kent, Kerr, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Patton, Peach, Phelan, Ramsey, Rhinehart, Rinks, Roach, Sharp, Shirley, Stamps, Stulce, Towns, Venable, Walley, Westmoreland, Whitson, Williams (Union), Wood -- 57.

Rep. McAfee moved that **House Bill No. 905** be re-referred to the Calendar and Rules Committee, which motion prevailed by the following vote:

Ayes ..... 42  
Noes ..... 39  
Present and not voting ..... 2  
Representatives voting aye were: Arriola, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Davidson, Davis, Duer, Dunn, Eckles, Fowlkes, Givens, Haley, Hassell, Head, Hicks, Huskey, Joyce, Kerr, Lewis, McAfee, McDaniel, McDonald, McKee, Newton, Patton, Phelan, Ramsey, Rhinehart, Rigsby, Roach, Sharp, Shirley, Stulce, Venable, Westmoreland, Williams (Union), Wood -- 42.

Representatives voting no were: Armstrong, Beavers, Bell, Bowers, Brown, Buck, Byrd, Cross, Curtiss, DeBerry, J., Fitzhugh, Halteman, Harwell, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Langster, McMillan, Miller, Peach, Phillips, Pinion, Pruitt, Ridgeway, Ritchie, Robinson, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Windle, Mr. Speaker Naifeh -- 39.

Representatives present and not voting were: Cole (Carter), Winningham -- 2.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to no on the motion to re-refer House Bill No. 905 to Calendar and Rules and have this statement entered in the Journal: Rep(s). Walley.

#### CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

#### SUPPLEMENTAL CALENDAR, CONTINUED

**House Bill No. 298** -- Criminal Offenses -- Establishes drug free school zones by enhancing penalty for drug offenses occurring within 1,000 feet of school; requires full service of minimum sentence. Amends TCA Title 39, Chapter 17, Part 4; 40-35-114. by \*DeBerry L, \*Buck, \*Byrd(\*SB244 by \*Dixon).

Rep. DeBerry L moved that House Bill No. 298 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 298 by deleting from the amendatory language of Section 1(b) the punctuation and words " , school bus or school bus stop" .

This amendment would remove school buses and school bus stops from the areas designated "drug free zones" by the printed bill.

On motion, Amendment No. 1 was adopted.

Rep. DeBerry L moved that **House Bill No. 298**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**House Bill No. 1762** -- Sentencing -- Requires person convicted of one of violent felonies enumerated in "3 strikes" definition (TCA 4035-120) on or after July 1, 1995, to serve 100 percent of sentence imposed by court. Amends TCA Title 40, Chapter 35. by \*Bittle, \*Stamps, \*McDaniel, \*Kisber, \*Williams (Union), \*Roach, \*Kent, \*Ramsey, \*Kerr, \*Clabough, \*Beavers, \*Davis, \*Westmoreland, \*Callicott, \*Coffey, \*Patton, \*Newton, \*Venable, \*Duer, \*Peach, \*Cantrell, \*Sharp, \*Wood, \*Ford S, \*Bird, \*Shirley, \*Haley, \*Buck, \*Dunn, \*Halteman Harwell, \*Byrd(\*SB1747 by \*Leatherwood, \*Atchley, \*Person, \*McNally, \*Wright, \*Carter, \*Holcomb, \*Miller J, \*Elsea, \*Haun, \*Jordan, \*Fowler, \*Hamilton).

Further consideration of House Bill No. 1762, previously considered on today's Calendar.

Rep. Stamps moved that House Bill No. 1762 be passed on third and final consideration.

Rep. Jackson moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1762 by adding the following new subpart (3) to the amendatory language of subsection (i) as amended by House Judiciary Committee Amendment No. 1:

Nothing in this subsection shall be construed as affecting, amending or altering the provisions of Tennessee Code Annotated, Section 39-13-523, which requires child rapists and multiple rapists to serve the entire sentence imposed by the court undiminished by any sentence reduction credits.

On motion, Amendment No. 2 was adopted.

Rep. Stamps moved that **House Bill No. 1762**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 1762 and have this statement entered in the Journal: Rep(s). Roach.

#### MESSAGE CALENDAR

#### HOUSE ACTION ON SENATE AMENDMENT

**House Bill No. 483** -- Highway Signs -- Extends pilot project on tourist oriented directional signs from 12/31/94 to 12/31/95. Amends TCA Title 54, Chapter 5, Part 13. by \*Gunnels, \*Kerr, \*McKee, \*Clabough, \*Buck, \*Bragg, \*Ridgeway(\*SB526 by \*Miller J).  
**Senate Amendment No. 11**

AMEND House Bill No. 483 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ . The provisions of this act shall not apply to any local government which by vote of its local

legislative body chooses to exclude itself from the provisions of this act prior to September 1, 1995.

AND FURTHER AMEND in the effective date section, Section 5 of Senate Transportation Committee Amendment 1, by deleting the language " July 1, 1995" and by substituting instead the language " September 1, 1995" .

**Senate Amendment No. 1 to Senate Amendment No. 11**

AMEND House Bill No. 483 by changing the date of " September 1, 1995" to " January 1, 1996" at each place where it appears.

Rep. Gunnels moved that the House concur in Senate Amendment(s) No(s). 11, as amended, to **House Bill No. 483**, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kieber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Dunn -- 1.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 631** -- Agriculture -- Enacts "Agricultural District and Farmland Preservation Act." Amends TCA Title 43. by \*Givens, \*Davidson, \*Head, \*Newton, \*Roach, \*Ford S, \*Walley, \*McDonald, \*Curtiss, \*Hargrove, \*Callicott, \*Stulce, \*Fowlkes, \*Williams (Union) (\*SB512 by \*Haun, \*Holcomb, \*Atchley, \*Elsea, \*Fowler, \*Gilbert, \*Hamilton, \*Jordan, \*Koella, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Rice, \*Wright and \*Carter).

**Senate Amendment No. 3**

AMEND House Bill No. 631 by deleting House Amendment No. 2 in its entirety.

Rep. Givens moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 631**, which motion prevailed by the following vote:

Ayes .....	94
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Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

#### MOTION TO RECONSIDER

Rep. Arriola moved to lift from the table the motion to reconsider Senate Bill No. 816, which motion prevailed.

**\*Senate Bill No. 816** -- Health, Dept. of -- Removes swimming pools owned and operated by condominiums and homeowner associations from requirements imposed upon public swimming pools. Amends TCA Title 68, Chapter 14, Part 3. by \*Henry, \*Atchley, \*Gilbert, \*McNally, \*Koella, \*Ford J(HB909 by \*Arriola).

Rep. Arriola moved to reconsider action in passing Senate Bill No. 816, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 3. On motion, Amendment No. 3 was withdrawn.

Rep. Arriola moved the **Senate Bill No. 816** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

\*House Bill No. 832 -- Hospitals and Health Care Facilities -- Prohibits home health agencies from knowingly soliciting customers of other home health agencies. Amends TCA Title 68, Chapter 11. by \*Haley, \*DeBerry L, \*Jones R (Shelby), \*Miller L, \*Stamps, \*Haley, \*Kent(SB1454 by \*Person, \*Dixon, \*Ford J, \*Holcomb, \*Jordan, \*Leatherwood, \*McNally).

Senate Amendment No. 1

AMEND House Bill No. 832 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1.

(a) Except as otherwise provided, the term "solicit" as used herein shall mean contact with a patient knowingly being treated by another home care organization for the purpose of attempting to persuade the patient to change home care organizations.

(b) The term "solicit" as used herein shall not include a home care organization's communications to the general public or any advertising of services through means of direct mail. The prohibition on solicitation set forth herein shall in no way prevent a physician from making a recommendation to a patient that the patient use a particular home care organization's services based upon the physician's independent judgment.

(c) As used herein, the term "home care organization" shall have that meaning as set forth in Tennessee Code Annotated, Section 68-11-201.

SECTION 2. It shall be unlawful for any home care organization through its officers, directors, employees or agents to knowingly solicit any patient to change home care organizations if that patient is being treated at the time by another home care organization.

SECTION 3. Nothing contained herein shall limit the right of a home care organization patient to change home care organizations at any such time as such patient shall so choose. Nothing contained herein shall prohibit any home care organization from discussing services with, or providing services to, someone who voluntarily makes an initial contact with such home care organization for the purpose of seeking services from such home care organization or who responds to a public advertisement by such home care organization.

SECTION 4.

(a) A home care organization found in violation of Section 2 of this act shall be subject to a fine of up to \$1,000.00 for each violation and/or an injunction by either a Circuit or Chancery Court of competent jurisdiction prohibiting further solicitation. An

action seeking a fine and/or injunctive relief may be initiated by any home care organization that has had its patients solicited by the offending organization or by the Tennessee Board for Licensing Health Care Facilities. Any fine imposed on an offending party shall be payable to the Tennessee Board for Licensing Health Care Facilities. The prevailing party may, in the Court's discretion, be awarded attorney's fees for bringing the action. The fine provided for herein and the right to injunctive relief granted herein shall not prevent an offended organization from seeking monetary damages or any other relief against the offending organization to which it may be entitled at law or in equity.

(b) Upon the filing of an action by a home care organization pursuant to subsection (a), the party filing said action shall notify in writing the Tennessee Board for Licensing Health Care Facilities that the action has been filed. Said notice shall occur within thirty (30) days of the action being filed.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Haley moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 832**, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENT

**House Bill No. 1558** -- Aged Persons -- Increases advisory committee for department of human services family violence and child abuse prevention services program from eight to 11 members. Three new members shall be knowledgeable and experienced in elderly abuse prevention. Amends TCA Title 4; Title 39, Chapter 3; Title 40, Chapter 35; Title 68, Chapter 11 and Title 71, Chapter 6. by \*Armstrong, \*Tindell (\*SB1674 by \*Gilbert, \*McNally).

#### Senate Amendment No. 3

AMEND House Bill No. 1558 by inserting the following language as a new, appropriately designated section immediately preceding the final section and by renumbering the final section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 71-6-107(a)(1)(A), is amended by adding the following paragraph:  
Prior to filing a complaint with the court for an order authorizing removal of an adult from his or her chosen place of residence, the department shall make reasonable efforts to exhaust all practical alternatives to the removal of such adult from such place of residence.

Rep. Armstrong moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1558**, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0



Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENT

**House Bill No. 1690** -- Workers' Compensation -- Authorizes risk-sharing agreements for creation and operation of common fund pools, interlocal agreements and other methods to allow municipal utilities and electric coops to provide administration and payment of obligations under workers' compensation law or other employee injury fund. Amends TCA Titles 50, 56; Title 7, Chapter 82. by \*Coffey(\*SB1720 by \*Gilbert).

#### Senate Amendment No. 3

AMEND House Bill No. 1690 by adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 56-5-314(c)(2), is amended by deleting the language "Section 50-6-401 or Section 50-6-405" and by substituting instead the language "Section 50-6-401 or Section 50-6-405, and those entities under Title 50, Chapter 6, Part 6,".

Rep. Coffey moved that the House non-concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1690**, which motion prevailed.

#### SUPPLEMENTAL MESSAGE CALENDAR

#### NOTICE TO ACT ON SENATE MESSAGE

**House Bill No. 651** -- Jails, Local Lock-ups Enacts "Inmate Reimbursement to the County Act of 1995." Amends TCA Title 41. by \*Callicott, \*Westmoreland, \*Fowlkes, \*McDaniel, \*Williams(Williamson), \*Davidson, \*Coffey, \*Rigsby, \*Tindell, \*Kent, \*Kisber, \*Herron, \*McDonald, \*Haley, \*Ford S, \*Curtiss, \*Williams(Union), \*Joyce, \*Boyer, \*Bittle, \*Ridgeway, \*Hargrove, \*White, \*Fitzhugh(\*SB842 by \*Jordan, \*Holcomb, \*McNally, \*Miller J, \*Kyle, \*Haynes, \*Rochelle).

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 651

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 651 (Senate Bill No. 842) has met and recommends that Senate Amendment(s) No(s). 1, 2, 3 and 4 be adopted; and recommends that Senate Amendment No. 5 and House Amendment No. 1 be deleted.

The Conference Committee further recommends that the following amendment be adopted:

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. (a) The provisions of Sections 4 through 12 of this act shall apply in counties having a population in excess of two hundred fifty thousand (250, 000) and in any county having a population of not less than eighty thousand (80,000) nor more than eighty-three thousand (83,000), all according to the 1990 federal census or any subsequent census, and in any other county in which the county legislative body, by majority vote, adopts a resolution electing to utilize the provisions of Sections 4 through 12 of this act to seek reimbursement.

(b) All other counties shall be grouped by development districts established pursuant to Tennessee Code Annotated, Title 13, Chapter 14, Part 1. For such counties the comptroller shall develop guidelines and solicit proposals for the collection of expenses incurred by the county in relation to the charge or charges for which a person was sentenced to a county jail pursuant to the provisions of Section 4(a). The guidelines developed by the comptroller may, to the greatest extent possible, be based on the collection procedures established by this act or may utilize any other collection procedures and standards in the discretion of the comptroller. The guidelines for collection may be based on a statewide proposal, be limited to a proposal by development districts or be a combination of both. In developing the proposals, the comptroller shall give consideration to awarding a contract to the person or entity based on a percentage of amount retained, competency or ability to perform, costs incurred in securing reimbursement or be based on any other criteria developed by the comptroller. The contract awarded by the comptroller shall be a two (2) year contract.

(c) The reimbursements secured under such contacts, less the fee for collection, shall be deposited into the state general fund and, at least annually, shall be distributed to the general fund of the county in which the inmate was incarcerated. Such funds may be used for any lawful purpose.

Senator Keith Jordan  
Callicott  
Senator Danny Wallace

Representative Clint  
Representative Joe Fowlkes

Senator Jim Holcomb  
Williams

Representative L. Mike

Rep. Callicott moved that the Report of the Conference Committee on **House Bill No. 651** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENT

\***House Bill No. 1238** -- Highway Signs -- Direct department of transportation to include "The Volunteer State" on welcome signs as such signs are replaced or modified. Amends TCA Title 54. by \*Ridgeway(SB1541 by \*O'Brien).

#### Senate Amendment No. 1

AMEND House Bill No. 1238 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 54-17-109, is amended in subdivision (9) by deleting the word "residence" and by substituting instead the words "residence or subdivision".

Rep. Ridgeway moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1238**, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron,

Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENT**

**\*House Bill No. 1390** -- Highways, Roads and Bridges -- Establishes procedure for closing county road. Amends TCA Title 54, Chapter 10, Part 2. by \*Hargrove (SB1698 by \*Burks).  
**Senate Amendment No. 2**

AMEND House Bill No. 1390 in the amendatory language of Section 1, as amended by Senate Transportation Committee Amendment 1, by adding the following new language immediately after the fourth sentence:

Before making any recommendation with respect to closing a road pursuant to this section, the regional planning commission shall provide notice of such action either by written notice mailed to affected property owners or by notice advertised in a newspaper of general circulation in the county not less than fourteen (14) days before such recommendation is made.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1390**, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**Senate Amendment 3**

AMEND House Bill No. 1390 as amended, by adding the following language at the end of the amendatory language of Section 1:

An owner of property that is adversely affected by the closure of a road or right-of-way pursuant to this section shall be entitled to compensation from the county in the amount of the reduction in the fair market value of the affected property.

Rep. Hargrove moved that the House non-concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1390**, which motion prevailed.

#### RECESS MOTION

On motion of Rep. Purcell, the House recessed for 10 minutes in order for the Transportation Committee to meet and consider House Joint Resolution(s) No(s). 362 and 321, which motion prevailed.

#### REPORTS FROM STANDING COMMITTEES

The committees that met on **May 24, 1995** reported the following:

#### TRANSPORTATION

The Transportation Committee recommended for passage: House Joint Resolution(s) No(s). 362 and 321. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

#### ROLL CALLED DISPENSED WITH

On motion of Rep. Purcell, the roll call was dispensed with.

#### UNFINISHED BUSINESS

#### MOTION TO RECALL HOUSE BILL FROM COMMITTEE

Pursuant to **Rule No. 53**, Rep. Robinson moved to recall House Bill No. 795 from the Finance, Ways and Means Committee.

Rep. Purcell moved to table the recall motion, which motion prevailed by the following vote:

Ayes .....	49
Noes .....	39
Present and not voting .....	2

Representatives voting aye were: Armstrong, Bittle, Bragg, Callicott, Chumney, Clabough, Cole (Carter), Cole (Dyer), Davidson, Davis, DeBerry, L., Eckles, Fitzhugh, Ford, Givens, Gunnels, Haley, Hargrove, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, Lewis, McDaniel, McDonald, McKee,

WEDNESDAY, MAY 24, 1995 -- FORTY-FOURTH LEGISLATIVE DAY

McMillan, Miller, Peach, Phelan, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Stulce, Walley, White, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 49.

Representatives voting no were: Beavers, Bird, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Coffey, Curtiss, Duer, Dunn, Fowlkes, Halteman Harwell, Hassell, Jackson, Jones, S., Kerr, McAfee, Napier, Newton, Odom, Patton, Pinion, Pruitt, Ramsey, Ritchie, Sharp, Shirley, Stamps, Tindell, Turner (Shelby), West, Westmoreland, Williams (Union), Windle, Wood -- 39.

Representatives present and not voting were: Jones, U. (Shelby), Winningham -- 2.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1404, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1815; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 521; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 111; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1784; substituted for Senate Bill(s) on the same subject(s) ), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 960; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 20; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 134; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1384; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1504.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1195; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1213; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1340.

The Senate nonconcurrred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 25, 1995:

**Senate Bill No. 1404:** by Rep. Herron.  
**Senate Bill No. 1504:** by Rep. Callicott.

**House Bill No. 1784:** by Rep. Bittle.

**House Bill No. 1815:** by Rep. Davis.

**House Bill No. 521:** by Rep. Purcell.

**House Bill No. 20:** by Rep. Herron.

**House Bill No. 134:** by Rep. Herron.

**House Bill No. 960:** by Rep. Halteman Harwell.

**House Bill No. 111:** by Rep. Rinks.

**House Bill No. 1384:** by Rep. DeBerry J.

**House Bill No. 1195:** by Rep. Purcell.

**House Bill No. 1213:** by Rep. Jackson.

**Senate Bill No. 1340:** by Rep. Jackson.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1820; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1820 -- Appropriations --** Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1995. by \*Henry, \*McNally, \*Atchley, \*Elsea, \*Wilder, \*Crutchfield.

**SUPPLEMENTAL CALENDAR, CONTINUED**



**House Bill No. 1843** -- Appropriations -- Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1995. by \*Bittle, \*Bragg, \*Davis, \*McDaniel, \*Kisber, \*Head, \*Walley, \*Kent, \*Cole (Carter), \*Wood, \*Gunnels, \*Rhinehart, \*Williams (Union), \*Whitson, \*Coffey, \*Ford S, \*Sharp, \*Venable, \*Davidson, \*DeBerry L, \*Jones U (Shelby), \*Turner (Shelby), \*Jones R (Shelby), \*Miller L, \*Boyer, \*Cantrell, \*Rinks, \*Westmoreland, \*Callicott, \*McAfee, \*Ramsey, \*McKee, \*Kerr, \*Dunn, \*Newton, \*Huskey, \*Winningham, \*Haley, \*Cole (Dyer), \*Langster (\*SB1820 by \*Henry, \*McNally, \*Atchley, \*Elsa, \*Wilder, \*Crutchfield).

On motion, House Bill No. 1843 was made to conform with **Senate Bill No. 1820**; the Senate Bill was substituted for the House Bill.

Rep. Bittle moved that Senate Bill No. 1820 be passed on third and final consideration.

Rep. Bragg moved that Amendment No. 3 be the first amendment considered, which motion prevailed.

Rep. Bragg moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 1820 by deleting each and every section of Senate Bill No. 1820 and by substituting instead new Sections 1 through 54, namely:

Sections 1 through 54 of House Bill No. 1843 as filed for introduction on March 9, 1995; printed and distributed as Senate Bill No. 1820; and considered to be part of this amendment.

On motion, Amendment No. 3 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 1 as follows:

**Amendment No. 1**

H #0003 AMEND Senate Bill No. 1820 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred fifty thousand dollars (\$250,000) to the department of human services for the sole purpose of allocating such sum for homemaker services for adults.

H #0004 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five hundred forty thousand dollars (\$540,000) to the department of human services for the sole purpose of allocating such sum for human resource agencies.

H #0011 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to The University of Tennessee Agricultural Extension Service for the sole purpose of paying expenses of conducting the district and state shows of the Tennessee Junior Livestock Exposition, district and state junior dairy shows, district and state junior swine shows, district and state 4-H horse shows and junior poultry shows.

H #0023 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred thousand dollars (\$200,000) to the Board of Regents, for the sole purpose of additional personnel, equipment and station operations at Tennessee State University Nursery Crops Research Station in McMinnville.

H #0041 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the Tennessee Defense Force.

H #0083 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of six hundred fifty thousand dollars (\$650,000) to the department of education for the sole purpose of funding adult basic education.

H# 0089 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the department of health for the sole purpose of making a grant in such amount to the Black Health Care Commission, to be used for health promotion programs and activities.

H #0100 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the State Library and Archives for the sole purpose of making a grant in such amount for the West Tennessee reading services program.

H #0124 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds

appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to the office of legislative administration for the sole purpose of funding the programs and activities of the minority youth mock legislature annually hosted by the Black Caucus of State Legislators.

H #0126 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to the department of education for the sole purpose of making a grant in such amount to the University of Tennessee Health Science Center, Memphis, for the summer science enrichment pilot program, created by Tennessee Code Annotated, Title 49, Chapter 1, Part 7, for inner-city economically disadvantaged students grades seven (7) through twelve (12).

H #0130 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of thirty thousand dollars (\$30,000) to the department of education for the sole purpose of financially supporting the programs and activities of the Growing in Grace Leadership Schools in Shelby, Davidson, Knox, and Hamilton Counties.

H #0132 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ten thousand dollars (\$10,000) to the department of education for the sole purpose of making a grant in such amount for parents/girls training academy.

H #0187 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one million dollars (\$1,000,000) to the Department of Education for the sole purpose of restoring funding, on an equal share basis, to the seven (7) public television stations in Tennessee.

H #0196 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one million dollars (\$1,000,000) to the Tennessee Sports Hall of Fame for the sole purpose of purchasing equipment, supplies and displays and providing operating funds for the Tennessee Sports Hall of Fame as authorized at Tennessee Code Annotated, § 4-3-5401 et seq.

H #0197 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five hundred thousand dollars (\$500,000) to Austin Peay State University for the sole purpose of preplanning a science building. It is the legislative intent that the appropriation made in this item be nonrecurring.

H #0232 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. From funds appropriated to the Tennessee Wildlife Resources Agency by the provisions of this act, there is earmarked the sum of forty thousand dollars (\$40,000) for the sole purpose of controlling curly leaf weeds at Reelfoot Lake.

H #0255 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of seventy-five thousand dollars (\$75,000) to the Tennessee Higher Education Commission for the sole purpose of making grants as follows:

Knoxville College	\$25,000
Lane College	25,000
LeMoyne-Owen College	25,000.

H #0341 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one million one hundred ninety thousand dollars (\$1,190,000) for the sole purpose of raising the maximum Tennessee Student Assistance award for students attending independent colleges and universities as described in Tennessee Code Annotated, Title 49, Chapter 4, Part 8. This appropriation restores non-recurring funds appropriated in 1994-95 and fulfills the mandate of Public Chapter 486 of 1993.

H #0344 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to local governments for the sole purpose of implementing the provisions of SB 454 / HB 499, relative to DUI offenses, if such bill becomes a law.

H #357 by adding the follow new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of four hundred thousand dollars (\$400,000) to the Tennessee arts commission for the sole purpose of making a grant in such amount to the Chucalissa Museum, to be used for renovation, restoration, repair, construction, equipment, utility relocation, parking lot improvements and soil erosion control projects.

H #0428 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred sixty thousand dollars (\$260,000) for the sole purpose of making grants as follows:

Anderson County Community Action Commission \$	10,000
(Anderson County)	
Blount County Community Action Agency	10,000
(Blount County)	
Bradley-Cleveland Community Services Agency	10,000
(Bradley County)	
Caney Fork Development Corporation	10,000
(Cannon, DeKalb, Van Buren, Warren counties)	
Chattanooga Human Services Department	10,000
(Hamilton County)	
Clarksville-Montgomery County Community Action Agency	10,000
(Montgomery County)	
Cordell Hull Economic Opportunity Corporation	10,000
(Clay, Jackson, Macon, Smith counties)	
Delta Human Resources Agency	10,000
(Fayette, Lauderdale and Tipton counties)	
Douglas-Cherokee Economic Authority	10,000
(Coke, Grainger, Sevier, Hamblen, Jefferson, Monroe counties)	
Highland Rim Economic Corporation	10,000
(Dickson, Stewart, Houston, Humphreys counties)	
Knoxville-Knox County Community Action Committee	10,000
(Knox County)	
Mid-Cumberland Community Action Agency	10,000
(Cheatham, Sumner, Robertson, Trousdale, Williamson, Rutherford, Wilson counties)	
Mid-East Community Action Agency	10,000
(Loudon, Roane counties)	
Mountain Valley Economic Opportunity Authority	10,000
(Campbell, Claiborne, Morgan, Scott, Union counties)	
Northwest Tennessee Economic Development Council	10,000
(Benton, Carroll, Crockett, Dyer, Lake, Obion, Henry, Weakley, Gibson, Fayette, Tipton, Lauderdale, Madison counties)	
Shelby County Community Services Agency	10,000
(Shelby County)	
South Central Human Resources Agency	10,000
(Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne counties)	
Southeast Human Resources Agency	10,000
(Bledsoe, Grundy, Marion, McMinn, Meigs, Sequatchie, Polk, Rhea counties)	
Southwest Human Resources Agency	10,000
(Chester, Decatur, Hardeman, Hardin, Haywood, Henderson, Madison, McNairy counties)	
Upper Cumberland Human Resource Agency	10,000
(Cumberland, Fentress, Overton, Pickett,	

Putnam, White counties)  
Upper East Tennessee Human Development Agency 10,000  
(Carter, Greene, Hancock, Hawkins, Johnson, Sullivan,  
Unicoi, Washington counties)  
Metro-Action Commission 10,000  
(Davidson County)  
Elk River Development Agency 10,000  
Sequatchie Valley Planning and Development Authority  
10,000  
Upper Duck River Development Agency 10,000  
LBJ and C Head Start 10,000  
TACIR is directed to study the usefulness and  
efficacy of the above entities and report its conclusions  
and recommendations to the general assembly.

H #0436 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. Subject to passage of Senate Bill 1050 /  
House Bill 681, there is hereby appropriated a sum  
sufficient from employer FICA tax savings appropriated in  
Section 41, Item 1 of this act to provide for the employer  
match to the state's 401(k) Plan for state employees  
compensated on the centralized state payroll system. For  
employees of the University of Tennessee and the State  
Board of Regents, there is hereby further appropriated,  
either from employer FICA tax savings or from other  
available sources, a sum sufficient for the employer match  
to the state's 401(k) Plan.

H #0437 by adding the following new items at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds  
appropriated by the provisions of this act, there is  
appropriated the sum of five hundred thousand dollars  
(\$500,000) to the University of Tennessee for the sole  
purpose of supporting existing operations of the UT Space  
Institute for the 1995-1996 fiscal year. It is the  
legislative intent that this appropriation is a one-time,  
final appropriation to alleviate a loss of federal research  
grants and is intended to allow the UT Space Institute to  
seek additional grant and/or research funds.

H #0438 by adding the following new items at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds  
appropriated by the provisions of this act, there is  
appropriated a sum sufficient not to exceed twenty thousand  
dollars (\$20,000) for the sole purpose of implementing  
Senate Bill 164 / House Bill 334, relative to payroll  
deductions for insurance, if such bill becomes law.

Item \_\_\_\_\_. From departmental revenues available to  
the Department of the Treasury, there is authorized to be  
expended a sum sufficient for the State Treasurer to  
establish an additional position to deduct insurance  
premiums from the retirement benefits of retired teachers  
and other retired local government employees as provided in  
Senate Bill 164 / House Bill 334, if such bill becomes law.  
It is the legislative intent that such appropriation shall

be funded from the proration of costs among participating employers as provided in Tennessee Code Annotated, Section 8-34-319.

H #0439 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of eighty-three thousand dollars (\$83,000) for the sole purpose of implementing Senate Bill 12 / House Bill 477, relative to the creation of certain positions for the 30th judicial district, if such bill becomes a law. The commissioner of finance and administration is authorized to reduce or eliminate this appropriation to the extent it duplicates funding otherwise contained in this act, subject to receipt of written comment from the chairmen of the finance, ways and means committees.

H #0440 by adding the following new item at the end of Section 36:

Item \_\_\_\_\_. Notwithstanding any provision of law to the contrary, funds previously appropriated to the Jackson Arts Council for the West Tennessee Art Center are reappropriated for such purpose and shall not revert to the general fund on June 30, 1995 or any subsequent June 30 until expended in accordance with the original appropriation.

H #0450 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the department of human services for making a grant to Child Abuse Prevention of Tennessee, Inc. for the sole purpose of operating a twenty-four (24) hour a day toll-free statewide telephone line as a domestic violence hotline.

H #0533 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the Tennessee historical commission for the sole purpose of purchase, repair and erection of historical markers.

H #0592 by adding the following new items at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of sixty thousand dollars (\$60,000) to the department of agriculture for the sole purpose of making a grant to the Dairy Exposition and the Beef Agribition. Such funds shall be divided equally between such entities. The commissioner of agriculture may impose conditions and restrictions on the expenditure of such funds. It is the legislative intent that the appropriation

made in this item be nonrecurring.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to the department of environment and conservation for the sole purpose of making a grant in such amount to the Tennessee High School Rodeo Association for the purpose of assisting underprivileged youth to participate in the national rodeo.

H #0595 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. There is hereby appropriated the sum of \$5,467,400 for debt service on general obligation bonds authorized by SB 1102 / HB 245 to fund the following projects:

1. Board of Regents Vocational Technical Centers
2. Higher Education Equipment
3. Department of Finance and Administration for the World War II Memorial
4. Memphis Airport Authority.

It is the legislative intent, that any funds allocated for a World War II Memorial, shall be matched on a dollar-for-dollar basis by the World War II Memorial Trust, Inc. To the extent excess debt service funds are available due to the cancellation of bonds as may be authorized by this act, such funds are reappropriated for the funding of this item and this appropriation shall be reduced accordingly. This item shall be subject to passage of SB 1102 / HB 245.

H #0598 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of sixty-one thousand five hundred dollars (\$61,500) to the Tennessee Advisory Commission on Intergovernmental Relations for improvements to salaries and benefits, travel, and professional services.

H #0609 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. From the funds appropriated to the department of correction in Section 1, Title III-7, item 27, of this act there is earmarked the sum of one hundred eighty-two thousand dollars (\$182,000) for the sole purpose of implementing Senate Bill 13 / House Bill 1750, relative to the senior judges program, if such bill becomes a law.

H #0619 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. From the funds appropriated in Section 1, Title III-7, item 3, as introduced, there is earmarked the sum of eight hundred thousand dollars (\$800,000) to the Children's Services Plan for the sole purpose of expanding the number of secure beds by twenty-five (25) in the Juvenile Court of Memphis and Shelby County.



H #0631 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to the department of agriculture for the sole purpose of making a grant in such amount to the West Eight Association of Soil Conservation Districts, to be used for stream channel and floodplain restoration projects. Such projects must conform to natural resource management conditions established in the 1982 agreement, as amended, between the Tennessee Valley Authority and the West Eight Association.

H #0636 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fourteen thousand dollars (\$14,000) to the department of environment and conservation for Big Hill Pond to be allocated as follows:

Kiosk	\$5200.00
Entrance Sign	5000.00
Interpretive Signage	2000.00
Facilities Signs	1800.00.

H #0639 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. From funds appropriated to the board of accountancy by the provisions of this act, there is earmarked a sum sufficient to the department of commerce and insurance for the sole purpose of implementing Senate Bill 472 / House Bill 846, relative to the board of accountancy, if such bill becomes a law.

H #0661 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ninety thousand dollars (\$90,000) to the Tennessee 4-H Club Foundation at the University of Tennessee Institute of Agriculture for the sole purpose of providing state matching funds pursuant to Tennessee Code Annotated, Section 49-9-1202.

H #0678 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the department of economic and community development for the sole purpose of assisting the Greater Nashville Regional Council in its preparation of a regional capital improvements program for the thirteen (13) counties and fifty (50) cities of the Council. Notwithstanding the provisions of this or any other law to the contrary, neither the department of economic and community development nor the Greater Nashville Regional Council

shall be required to submit a plan of activity to the commissioner of finance and administration as a prerequisite for disbursement of the sum/grant appropriated by this item.

H #0679 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. From the fees generated by the provisions of Senate Bill 640 / House Bill 922, relative to the Access to Justice Act, if such bill becomes a law, there is appropriated one million six hundred thousand dollars (\$1,600,000) to the Supreme Court. Funds raised under this act shall be appropriated to the Supreme Court for distribution pursuant to the terms of the act.

H #0696 by adding the following new item at the end of Section 10:

Item \_\_\_\_\_. From the funds appropriated to the department of health, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 1520 / House Bill 1195, relative to childhood immunizations, if such bill becomes law.

H #0697 by deleting Item 6 of Section 9 in its entirety and by substituting instead the following:

Item 6. To the Attorney General and Reporter a sum sufficient from the Claims Award Fund for the purposes of implementing the provisions of Tennessee Code Annotated, Title 8, Chapter 42 relative to legal representation for state employees, if Senate Bill 1547 / House Bill 1487 becomes law. The Commissioner of Finance and Administration, upon the request of the Attorney General and Reporter, is authorized to establish such positions as may be required to implement the provisions of Tennessee Code Annotated, Title 8, Chapter 42.

AND FURTHER AMEND by adding the following new item to Section 35:

Item \_\_\_\_\_. Two (2) positions and the sum of eighty-one thousand eight hundred dollars (\$81,800) to fund the salaries, longevity pay, benefits and operating expenses of the two positions are transferred from the State Treasurer to the Attorney General and Reporter on the effective date of Senate Bill 1547, House Bill 1487.

H #0698 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Tennessee Housing Development Agency any funds transferred from the Housing Program Reserve Fund to the Housing Program fund pursuant to Tennessee Code Annotated, Section 13-23-404( ), being the section added by SB 817 / HB 521. This appropriation is subject to SB 817 / HB 521 becoming a law.

H #0699 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of all additional revenues received by the Tennessee Housing Development Agency pursuant to Tennessee Code Annotated, Section 67-4-409(a), Section 67-4-409(b), and Section 13-23-402(a)(2) and (3) to the agency for the sole purpose of supporting the state grant program HOUSE.

H #0700 by adding the following new item at the end of Section 10:

Item \_\_\_\_\_. From the funds available to the Tennessee Housing Development Agency, and as recommended by the Board of Directors of THDA, there is hereby appropriated the following amounts: thirty-one thousand dollars (\$31,000) for the Finance Division to add one (1) additional accountant position and provide related expenses and equipment; and sixty thousand dollars (\$60,000) for improved marketing of THDA programs.

H #0714 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the Tennessee State Museum for the sole purpose of funding conservation of artifacts in the museum collection. This appropriation shall be a recurring item.

H #0731 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of eight thousand dollars (\$8,000) to the department of correction for the sole purpose of making a grant in such amount to fund "Decisions", a non-profit program for female prisoners in Tennessee.

H #0769 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred two thousand dollars (\$102,000) for the sole purpose of implementing Senate Bill 1340 / House Bill 1729, relative to parental consent, if such bill becomes a law.

H #0770 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ninety-five thousand dollars (\$95,000) to the department of agriculture for the sole purpose of making a grant of one thousand dollars (\$1,000) to each soil conservation district. It is the legislative intent that the appropriation made in this item be nonrecurring.

H #0811 by adding a new item to Section 9 as follows:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred sixty-two thousand eight hundred dollars (\$162,800) to the Office of the Attorney General and Reporter for the sole purpose of funding additional staff for bankruptcy recovery work.

H #0821 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifteen thousand dollars (\$15,000) to the department of environment and conservation for the sole purpose of funding the salary and benefits of a Clerk One staff position for Burgess Falls State Park.

H #829 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred nineteen thousand dollars (\$219,000) to the Tennessee District Attorneys General Conference for the sole purpose of funding the second half of fiscal year 1995-96 for eleven (11) assistant district attorney positions previously funded by drug grants.

H #0856 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of eighty-five thousand dollars (\$85,000) to the department of military for the sole purpose of providing health care services as provided under federal law through the Mediguard Program.

H #0858 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five hundred thousand dollars (\$500,000) to the department of finance and administration for the sole purpose of making a grant to the Women's Basketball Hall of Fame in Jackson upon the establishment of a one to one match from private sources.

H #0880 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twelve thousand dollars (\$12,000) to the Department of Environment and Conservation for the purpose of implementing Tennessee Code Annotated, Section 11-14-307(d), relative to the Tennessee Flora Project.

H #0887 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of four hundred thousand dollars (\$400,000) for the sole purpose of implementing Senate Bill 1519 / House Bill 1196, relative to families, if such bill becomes a law. The sum appropriated by this item shall consist of state dollars which shall be used to match new federal family preservation and family support funds for the purpose of implementing Senate Bill 1519 / House Bill 1196.

H #0888 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. Subject to passage of SB 1583 / HB 1748, there is appropriated the sum of one hundred thousand dollars (\$100,000) from the Criminal Injuries Compensation Fund for the sole purpose of granting the same to the Tennessee Victims Coalition created pursuant to § 4-41-101; provided, the coalition submits to the State Treasurer a plan specifying the use of the moneys and such plan is approved by the State Treasurer. No funds appropriated by the provisions of this act shall be expended to lobby the general assembly or any member thereof.

H #0890 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Administrative Office of the Courts for the sole purpose of funding the provisions of SB 157 / HB 962, relative to an additional circuit court judge, if such bill becomes a law.

H #0892 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of thirty-one thousand four hundred dollars (\$31,400) to the Department of State for the sole purpose of restoring one (1) archivist position in the State Library and Archives.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of forty-seven thousand dollars (\$47,000) to the Department of State for the sole purpose of establishing a network services coordinator for the state library system.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of thirty-seven thousand three hundred fifty dollars (\$37,350) to the Department of State for the sole purpose of restoring two (2) regional library positions.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of eighteen thousand three hundred dollars (\$18,300) to the Department of State for the sole purpose of restoring one (1) microfilm operator position in the State Library

and Archives.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to the Department of State for the sole purpose of implementing the National Voter Registration Act, including purchase and distribution of forms and booklets.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of forty-seven thousand dollars (\$47,000) to the State Library and Archives for operations. It is the legislative intent that the appropriation made in this item be recurring.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-two thousand one hundred dollars (\$22,100) to the Department of State for the sole purpose of restoring one (1) documents restoration technician position in the State Library and Archives.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the Department of State for the sole purpose of restoring reductions in regional library operating budgets.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of sixty-six thousand two hundred dollars (\$66,200) to the Department of State for the sole purpose of funding a systems administrator position to coordinate the implementation and maintenance of the automated electoral system.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of forty-four thousand five hundred dollars (\$44,500) to the Department of State for the sole purpose of acquiring and implementing a case tracking - office automation system to docket, research, and track UAPA hearings.

H #0912 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Administrative Office of the Courts for the sole purpose of funding Senate Bill 772 / House Bill 132, relative to motor vehicle habitual offenders, if such bill becomes law.

H #947 by adding the following new item at the end of Section 10:

Item \_\_\_\_\_. From the funds appropriated to the Bicentennial Celebration under Section 1, Title III-21, Item 15, there

is earmarked the sum of seven hundred fifty thousand dollars (\$750,000) to be allocated to Tennessee 200, Inc., for the sole purpose of funding the proposed bicentennial train and there is earmarked the sum of two hundred fifty thousand dollars (\$250,000) to the governor's office for the Bicentennial Celebration.

H #948

by adding the following new items at the end of Section 10:

Item \_\_\_\_\_. The appropriation for the study of the state compensation / classification plan is subject to the review entity making monthly reports of its progress, proposals, and recommendations to the finance committees and speakers of the Senate and House of Representatives.

Item \_\_\_\_\_. In recognition that previously established priorities precluded the inclusion of a general state employee and teacher pay increase in the budget recommendations presented by the governor on March 1, 1995, the general assembly hereby urges the governor to consider a state employee and teacher cost of living salary increase in the preparation of the 1996-97 budget recommendation.

Item \_\_\_\_\_. Out of the funds appropriated by this act for operational costs of the Bicentennial Mall, it is the legislative intent that the mall be maintained and operated in a manner befitting the state and as an enhancement to the Capitol and adjacent areas, and patrolled and secured in such a fashion as to ensure safe access and usage by the public.

Item \_\_\_\_\_. Notwithstanding any provision of this act or other law to the contrary, it is hereby declared to be the legislative intent that the TIIP program and industrial training service program in the department of economic and community development shall be operated within the appropriation levels provided in this and subsequent appropriations acts. The commissioner of economic and community development is not authorized to commit to make grants for infrastructure construction or acquisition, or for training services in excess of the amounts available for such purposes pursuant to law; provided, however, in determining the amounts available for commitments, the commissioner is authorized, subject to the concurrence of the state funding board, to determine that amount of prior commitments unlikely to be accepted based on historical program trends and may over-commit to the extent of such determination. In no event may such over-commitments exceed thirty percent (30%) of the unobligated appropriations available for new grants.

No less frequently than quarterly, the commissioner of economic and community development shall report to the commissioner of finance and administration the status of the TIIP and industrial training service appropriation, such report to include at least the following information: the amount of each commitment accepted since the previous report and the name of the company receiving the benefit of such commitment, the total outstanding commitments and the

total unobligated appropriation. A copy of each such report shall be transmitted to the chairmen of the finance, ways and means committees upon receipt by the commissioner of finance and administration.

At least three (3) days prior to the disbursement of funds in connection with a TIIP or industrial training service grant, the commissioner of economic and community development shall notify the house and senate member of the district in which such grant will be used.

Notwithstanding the provisions of the first paragraph of this item, no single grant shall be made for more than seven hundred fifty thousand dollars (\$750,000) nor shall any grant obligate funds for more than one (1) year. The provisions of this item shall apply only to applications received after the effective date of this act and shall not apply to any current obligations.

AND FURTHER AMEND by adding the following language at the end of Item 9 of Section 2, as introduced:

Any reappropriation made pursuant to the provisions of this item is subject to the approval of the state building commission.

AND FURTHER AMEND by adding the following language at the end of Item 13 of Section 10, as introduced:

Any adjustment of rates or reserve of funds pursuant to the provisions of this act shall be reported to the Information Systems Council.

AND FURTHER AMEND by adding the following language at the end of Item 9 of Section 15, as introduced:

The commissioner of finance and administration shall file his plan for implementing the provisions of this item with the chairmen of the finance, ways, and means committees of the senate and house of representatives.

AND FURTHER AMEND by adding the following language at the end of Section 22, as introduced:

" The commissioner of finance and administration and the state treasurer shall develop a plan to ensure the state's compliance with the unclaimed property law."

AND FURTHER AMEND by deleting Item 2 of Section 42, as introduced, and by substituting instead the following:

Notwithstanding any provision of law to the contrary, no law of general application which requires expenditures in excess of one hundred thousand dollars (\$100,000) shall take effect unless the funds required to be expended by such law are specifically appropriated by the provisions of this act, but the required first year's funding for any law of general application which requires expenditures of one hundred thousand dollars (\$100,000) or less shall be deemed



to have been appropriated through the provisions of this act.

AND FURTHER AMEND by adding the following language at the end of Section 47, as introduced:

The transfer of any funds pursuant to the provisions of this section shall be reported to the Speaker of the Senate and the Speaker of the House of Representatives, the chairmen of the House and Senate Finance, Ways and Means Committees and the officers of the select joint committee on children and youth.

AND FURTHER AMEND by adding the following language at the end of Section 49, as introduced:

The transfer of any funds pursuant to the provisions of this section shall be reported to the Speaker of the Senate and the Speaker of the House of Representatives, and the chairmen of the house and senate finance, ways and means committees.

AND FURTHER AMEND by adding the following language at the end of item 2 of Section 36, as introduced:

This item shall not be subject to the approval of the commissioner of finance and administration.

AND FURTHER AMEND by deleting the funding for a postal rate increase contained in item 14 of Section 1, Title III-21 of the bill, as introduced, further by adjusting the total for Section 1, Title III-21 accordingly.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item \_\_\_\_\_. The Funding Board is directed to utilize the bond premium paid to the state as part of the 1995 general obligation bond issue to cancel an amount of bonds equal to the value of such premium.

AND FURTHER AMEND by adding the following item at the end of Section 12:

Item \_\_\_\_\_. The commissioner of finance and administration is authorized to carry forward from FY 1994-95 to FY 1995-96 an amount not to exceed two million five hundred thousand dollars (\$2,500,000) resulting from enactment of SB 1787 / HB 1798, subject to passage of such bill.

AND FURTHER AMEND by adding the following item at the end of Section 10:

Item \_\_\_\_\_. From funds appropriated to the Sentencing Act of 1985, the state funding board is authorized to direct the commissioner of finance and administration to transfer the sum of ten million dollars (\$10,000,000) to the capital projects fund for prison construction. Upon the transfer of such amount, the state funding board is authorized and

directed to cancel a like amount of bonds authorized for prison construction by SB 1821 / HB 1844.

by adding the following item at the end of Section 12:

Item \_\_\_\_\_. There is hereby appropriated a sum sufficient for the purpose of implementing the provisions of House Bill 695 / Senate Bill 891, relative to telecommunications. It is the legislative intent that costs associated with such bill shall be funded from fees, assessments and other amounts generated by the provisions contained therein. The commissioner of finance and administration is authorized to transfer, subject to the concurrence of the comptroller of the treasury, such amounts as necessary to implement the provisions of House Bill 695 / Senate Bill 891. This appropriation is subject to the passage of such bill.

by adding the following new section to be appropriately numbered and to read as follows:

Section \_\_\_\_\_. There is hereby appropriated a sum sufficient to implement the provisions of SB 1927 / HB 1938. The commissioner of finance and administration, subject to the concurrence of the comptroller of the treasury and the state treasurer, is hereby authorized to transfer amounts appropriated to the public service commission in Sections 1 and 4 of this act to other agencies and departments of state government as may be appropriate to effect any organizational changes, functional changes or any transfers of duties as provided in SB 1927 / HB 1938. Any transfer made pursuant to the authority of this provision shall be reported to the chairmen of the house and senate finance, ways and means committee no later than thirty (30) days following the date of such transfer.

by adding the following new item at the end of Section 10:

Item \_\_\_\_\_. There is hereby appropriated from the public utility inspection, control and supervision fees, the sum of one million eighty-five thousand dollars (\$1,085,000) to the general fund to be used solely for the purpose of funding the consumer advocate division of the attorney general's office. The appropriation made in this item is subject to Senate Bill 1927 / House Bill 1938 becoming law.

by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred thousand dollars (\$200,000) to minority business development centers to be allocated as follows:

Nashville Minority Business Development Center	\$100,000
Memphis Minority Business Development Center	\$50,000
Knoxville Minority Business Development Center	50,000.

The appropriation made in this item is subject to the approval of the comptroller of the treasury.

S #915 by adding the following new items at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Commission on Aging for the sole purpose of making grants of one thousand five hundred dollars (\$1,500) to each senior citizens' center in the state.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty thousand dollars (\$20,000) to the department of conservation and environment for the sole purpose of effecting the close-out of Tennessee Sports Festivals, Inc. Any funds expended pursuant to this appropriation are subject to the approval of the commissioner of finance.

S #62 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ten thousand dollars (\$10,000) to the Department of Health for the sole purpose of funding two (2) bone marrow programs.

S #77 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to Wonders for the Wonders for Children Program to provide ticket subsidies for school children to attend Wonders exhibitions.

S #118 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred seventy-five thousand dollars (\$375,000) to the Department of Education for the sole purpose of making museum grants in the following amounts to subsidize curriculum-related, formal education science programs presented to K-12 students at each museum:

Memphis Museums, Inc., Memphis	\$93,750
The Cumberland Science Museums, Inc., Nashville	
156,250	
Hands On! Regional Museums, Johnson City	62,500
East Tennessee Discovery Center, Knoxville	62,500.

by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred seventy-five thousand dollars (\$375,000) to the Department of State for the sole purpose of making grants of not more than ten thousand dollars (\$10,000) each to not-for-profit museums across the

state which make application for such grants. Such funds shall not revert at the end of any fiscal year but shall remain available until expended for such purpose.

S #163 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the department of economic and community development for the sole purpose of making a grant in such amount to the Four Lake Regional Industrial Development Authority, to restore state funding and to help offset TVA's discontinued support. Notwithstanding the provisions of this or any other law to the contrary, neither the department of economic and community development nor the Four Lake Regional Industrial Development Authority shall be required to submit a plan of activity to the commissioner of finance and administration as a prerequisite for disbursement of the sum/grant appropriated by this item.

S #164 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of seventy-five thousand dollars (\$75,000) to the Southeast Tennessee Development District for the sole purpose of cooperating with the Tennessee Overhill Heritage Association for the purpose of promoting tourism and coordinating tourism related jobs, business, housing, special events and other tourism activities in McMinn, Polk, and Monroe counties relative to the 1996 U. S. Olympic events to be held on the Ocoee River.

S #184 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to Watkins Institute for the sole purpose of improvements, programs and services.

S #205 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of four hundred thousand dollars (\$400,000) to the Department of Human Services for the sole purpose of providing services statewide to persons with disabilities, including the blind. Sufficient funds will be allocated to the workshops for the blind to carry out a transitional program for employment purposes for blind persons. As a condition for receiving the funds appropriated by this item, the workshops must enter into contractual agreements with the Department of Human Services. These contracts shall include assurances that the funds appropriated will be used to implement the said transitional program and that the program will be self-

sufficient and free from further state subsidies within a period of five (5) years. It is the legislative intent that this appropriation be nonrecurring.

S #251 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty thousand dollars (\$20,000) to the department of economic and community development for the purpose of making a grant in such amount to WestStar, to be used for development and implementation of programs to prepare people to assume leadership responsibilities for the economic and social development of West Tennessee.

S #303 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to Dismas, Inc. for the sole purpose of assisting with the statewide operations of the Dismas House locations in Memphis, Nashville, Knoxville, Chattanooga, Maryville, and Cookeville.

S #379 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred thousand dollars (\$200,000) to the National Storytelling Association, Inc. for the sole purpose of developing Storynet, an electronic storytelling information and communication network for Tennessee schools, libraries, and other cultural/educational institutions.

S #410 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred twenty thousand dollars (\$120,000) to the department of human services for the sole purpose of making grants in equal amounts to each child advocacy center in the state.

S #512 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the Commission on Aging for the sole purpose of producing a medicare and insurance guide for senior Tennesseans.

S #577 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred fifty-nine thousand

three hundred dollars (\$159,300) to the Department of Human Services for the sole purpose of funding the provisions of SB 1468 / HB 959, relative to publication of names of child support payment delinquents, if such bill becomes a law. Eighty-seven thousand nine hundred dollars (\$87,900) of this appropriation represents recurring expenses and seventy-one thousand four hundred dollars (\$71,400) represents one-time expenditures.

S #588 by adding the following new item at the end of Section 10:

Item \_\_\_\_\_. The department of revenue is hereby directed to forego collection efforts on any hospital service provider taxes owed by acute care health care institutions which are determined by the commissioner of finance and administration to be in imminent danger of closure due to such accrued service tax liability. Such period of forbearance shall extend to March 1, 1996, in order to allow the departments of revenue and finance and administration to report to the general assembly on the number of affected health care facilities and the total potential service tax liability accrued by such facilities.

S #693 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the Department of Agriculture for the sole purpose of making a grant in that amount to the American Sales Junior Association for livestock exhibition at Tennessee Technological University.

S #0704 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred fifty-seven thousand five hundred dollars (\$157,500) to the department of economic and community development for the sole purpose of restoring to development districts the funds cut from the FY '95 budget. Notwithstanding the provisions of this or any other law to the contrary, neither the department of economic and community development nor any development district shall be required to submit a plan of activity to the commissioner of finance and administration as a prerequisite for disbursement of the sum, or any portion thereof, appropriated by this item.

S #732 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) for the sole purpose of implementing Senate Bill 1711 / House Bill 1537, relative to "parents as first teachers" pilot projects, if such bill becomes a law.

S #782 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five hundred sixty-four thousand, eight hundred twenty-five dollars (\$564,825) to the Department of Human Services for the sole purpose of funding Senate Bill 653/House Bill 406, relative to adoption, should the bill become a law.

S #875 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to the department of agriculture for the sole purpose of the boll weevil eradication program.

SFWM #1 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-four thousand two hundred dollars (\$24,200) to the Tennessee State Museum for the sole purpose of retaining one (1) curatorial assistant position.

SFWM #4 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of forty-eight thousand six hundred dollars (\$48,600) to the Tennessee Historical Commission for a restoration of operating funds

S GW #4 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of sixty-five thousand dollars (\$65,000) to Tennessee commission on children and youth for the sole purpose of restoring the two (2) staff positions previously allocated to the kids count project. The provisions of this item shall take effect if and only if such sum is donated to state government from private sources.

S JUD #7 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of forty-nine thousand dollars (\$49,000) to the Tennessee Council of Juvenile and Family Court Judges for the sole purpose of establishing and funding a position directing the agency's information system.

S JUD #10 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of sixty-five thousand three hundred dollars (\$65,300) to the District Attorneys General Conference for the sole purpose of funding non-recurring costs arising from passage of the "Three Strikes Bill". Funding for this appropriation shall come from the Sentencing Act of 1985 fund.

S JUD #14 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of forty-five thousand four hundred eighty dollars (\$45,480) to the Tennessee Bureau of Investigation for the sole purpose of funding two (2) new administrative secretarial positions.

H # 946 by deleting from Section 1, Title III-1, Item 5.12 the words " Office of Education Accountability" and by substituting the words " Offices of Research and Education Accountability" .

AND FURTHER AMEND by deleting in its entirety the incomplete citation in Section 6, Item 7 of the printed bill and by substituting the citation " Senate Bill No. 1821 / House Bill No. 1844" .

AND FURTHER AMEND by adding to Section 6 of the printed bill a new item to read:

" Item \_\_\_\_\_. From the appropriation made in Section 1, Title III-28 of this act to the State Funding Board, the sum of \$1,948,000.00 is earmarked to pay interest on general obligation notes issued under the authority of Chapter 850, Public Acts of 1994 for state parks. Any unexpended balance of the earmarked funds is hereby reappropriated to the Department of Environment and Conservation for state parks capital outlay purposes as provided by Chapter 1029, Public Acts of 1992 and said balance shall be transferred to the capital projects fund."

AND FURTHER AMEND by deleting from Section 7, Item 3 of the printed bill all of the language in the first sentence that appears after the citation " Section 8-7-206," and by changing the comma after the citation to a period.

AND FURTHER AMEND by deleting in its entirety Section 12, Item 6 of the printed bill.

AND FURTHER AMEND by deleting from Section 26 of the printed bill the words " Ninety-eighth General Assembly" in items 1, 2 and 10 and by substituting the words " Ninety-ninth General Assembly" .

AND FURTHER AMEND by deleting in its entirety Section 35, Item 4 of the printed bill and by renumbering the subsequent items.



AND FURTHER AMEND by deleting from Section 36, Item 5 of the printed bill the fiscal year " 1994-95" and by substituting the fiscal year " 1995-96" .

AND FURTHER AMEND by deleting from Section 36, Item 7 of the printed bill the citation " Section 1, Title III-25, Item 3.1" and by substituting the citation " Section 1, Title III-26, Item 2" .

AND FURTHER AMEND by deleting in its entirety the first line-item under the Department of Economic and Community Development in Section 38 of the printed bill and by renumbering the subsequent two items and by changing the totals accordingly.

AND FURTHER AMEND by deleting from Section 41, Item 11 of the printed bill the citation " Title III-26" and by substituting the citation " Title III-27" .

AND FURTHER AMEND by adding to Section 41 of the printed bill a new item to read:

" Item \_\_\_\_ . The appropriation made in Section 12, Item 559 of Chapter 1011, Public Acts of 1994, is hereby reappropriated to the Tennessee River Valley Association."

AND FURTHER AMEND by adding to Section 41 of the printed bill a new item to read:

" Item \_\_\_\_ . The appropriation made in Section 12, Item 248 of Chapter 1011, Public Acts of 1994, is hereby reappropriated to the City of Grand Junction for public improvements subject to a \$25,000.00 match by the City of Grand Junction."

AND FURTHER AMEND by adding to Section 41 of the printed bill a new item to read:

" Item \_\_\_\_ . The Commissioner of Finance and Administration is authorized to reallocate the appropriations made in Section 1 and Section 4 of this act to the Department of Finance and Administration, the Department of Correction and the Children's Services Plan so that the line-item appropriations within each department agree with the recommendations in the 1995-96 Budget Document."

AND FURTHER AMEND by deleting in its entirety the incomplete citation in Section 43, Item 4 of the printed bill and by substituting the citation " Senate Bill No. 1821 / House Bill No. 1844" .

AND FURTHER AMEND by deleting in Section 43, Item 6 of the printed bill the figures " \$752,000.00" and by substituting the figures " \$775,000.00" .

AND FURTHER AMEND by adding to Section 43 of the printed bill a new item to read:

" Item \_\_\_\_\_. There is hereby transferred to the capital projects fund the sum of \$3,710,000.00 from the reserve carried forward at June 30, 1995 for the Department of Correction, Sentencing Act of 1985, to fund the department's capital outlay program as presented in the 1995-96 budget document. The appropriation and transfer of funds are made under the provisions of T.C.A., Section 9-6-119."

AND FURTHER AMEND by deleting in its entirety Section 44 of the printed bill and by substituting instead a new Section 44 to read:

" Section 44. There is hereby appropriated a sum sufficient from the State Office Buildings and Support Facilities Revolving Fund to provide for expenditures authorized under Title 9, Section 4, Part 9 of the Tennessee Code Annotated. There is appropriated a sum sufficient to the revolving fund in recognition of the lease cost of space for which recovery is not in the state's best interest."

AND FURTHER AMEND by deleting in its entirety the last sentence in Section 46 of the printed bill.

AND FURTHER AMEND by adding to Section 2 of the printed bill the following new items to read:

" Item \_\_\_\_\_. The appropriation made in Section 1, Title III-26 of this act to the Department of Correction for capital outlay may be expended for capital outlay purposes at Turney Center, Tennessee Prison for Women and the Lois M. DeBerry Special Needs Facility.

Item \_\_\_\_\_. In addition to the appropriation made in Section 1, Title III-26 of this act to the Department of Correction for capital outlay, the appropriation made in Section 1, Title III-7 to the Department of Correction, Sentencing Act of 1985, is hereby reappropriated to the department for capital outlay purposes. The appropriation and transfer of funds are made under the provisions of T.C.A., Section 9-6-119.

Any other funds appropriated in this act for Sentencing Act of 1985 purposes are hereby reappropriated to the Department of Correction for capital outlay purposes less any amounts that may be required to be allocated for operating expenses in fiscal year 1995-96. The appropriation and transfer of funds are made under the provisions of T.C.A., Section 9-6-119."

AND FURTHER AMEND by adding to Section 8 of the printed bill the following new item to read:

" Item \_\_\_\_\_. To the Department of Environment and Conservation from the Solid Waste Management Fund."

AND FURTHER AMEND by adding to Section 29 of the printed bill the following item to read:

" Item \_\_\_\_\_. From the appropriations made under Section 1, Title III-10 of this act, the Tennessee Higher Education Commission is authorized to reallocate an amount not to exceed \$606,000.00 among the institutions and programs for the Tennessee Pre-professional Program (TPP). The reallocation of funds is subject to approval by the Commissioner of Finance and Administration."

AND FURTHER AMEND by adding to Section 34 of the printed bill the following new items to read:

" Item \_\_\_\_\_. To the Governor's Office and Executive Programs in Section 1, Title III-2, Items 1 and 2.

Item \_\_\_\_\_. To the Department of Education in Section 1, Title III-9.

Item \_\_\_\_\_. To the Department of Labor in Section 1, Title III-13.

Item \_\_\_\_\_. To the Department of Mental Health and Mental Retardation in Section 1, Title III-14.

Item \_\_\_\_\_. To the Department of Revenue in Section 1, Title III-18."

AND FURTHER AMEND by adding to Section 35 of the printed bill a new item to read:

" Item \_\_\_\_\_. From the appropriations made in Sections 1 and 4 of this act, the Commissioner of Finance and Administration is authorized to transfer appropriations and positions used to develop an integrated human resource management system (HRMS) from the Department of Personnel back to the departments and agencies that provided the appropriations and positions to develop the system."

AND FURTHER AMEND by adding to Section 36 of the printed bill the following items to read:

" Item \_\_\_\_\_. To the judicial branch in Section 36, Item 16, for the purpose of providing prompt and fair adjudication of post-conviction procedures.

Item \_\_\_\_\_. To the Tennessee Higher Education Commission in Section 1, Title III-10 for desegregation activities and community service grant funds.

Item \_\_\_\_\_. To the Department of Education in Section 1, Title III-9 for test development.

Item \_\_\_\_\_. To the Tennessee State Veterans' Homes Board in Section 41, Item 37 and in the amount certified by the State Funding Board prior to June 30, 1995."

AND FURTHER AMEND by adding a new sentence at the end of Section 38 of the printed bill to read:

Subject to the availability of revenue at June 30, 1995,

any unexpended balances of appropriations made in this section for TennCare and Children's Services Plan are hereby reappropriated to be expended in the 1995-96 fiscal year and the Commissioner of Finance and Administration is authorized to carry the unexpended appropriations forward in a reserve into the fiscal year beginning July 1, 1995.

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and by substituting a new Section 39 to read:

" SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	1995-96	1994-95
District Attorneys General		
1. District Attorney General	\$ 208,700	\$ 338,900
2. Executive Secretary	10,700	
26,100		
3. IV-D Child Support	8,300	
33,200		
Total District Attorneys General	\$ 227,700	\$
398,200		
Secretary of State		
1. Secretary of State	\$ 60,000	\$ 60,000
\$ 60,000		
Executive Department		
1. Governor's Office	\$ 6,150	\$
--		
Commissions		
1. Children and Youth	\$	--
\$ 65,000		
2. Alcoholic Beverage	\$	--
226,300		
Total Commissions	\$	--
\$ 291,300		
Agriculture		
1. Animal Industries	--	\$
82,300		
Environment and Conservation		
1. Ocoee Development Authority	\$ 275,000	\$3,725,000
Correction		
1. Administration	\$2,301,600	
\$2,301,600		
Economic and Community Development		
1. Industrial Development	\$ 24,500	\$
--		
Higher Education		
1. Guaranteed Student Loan Program	\$	--

2.	T.S.A.C.	\$ 500,000	\$
--		85,000	
	Total Higher Education	\$	--
	\$ 585,000		
	Commerce and Insurance		
1.	Insurance	\$ 367,000	\$181,200
2.	Division of TennCare	393,600	
	833,100		
	Total Commerce and Insurance	\$574,800	\$
	1,200,100		
	Labor		
1.	Boilers and Elevators	\$	--
\$	28,900		
	Mental Health and Mental Retardation		
1.	Greene Valley Developmental Center	\$650,000	\$
--			
	Health		
1.	Executive Administration	\$	--
	79,400		\$
2.	Health Care Facilities	--	
	72,000		
3.	Communicable Disease Control	3,747,200	
	3,879,000		
4.	WIC Program	1,210,000	
	1,260,000		
	Total Health	\$ 4,957,200	
	\$ 5,290,400		
	Human Services		
1.	Community Services	\$10,169,300	\$
--			
2.	Vocational Rehabilitation	299,700	
	420,000		
	Total Human Services	\$10,469,000	\$
	420,000		
	TOTAL	\$19,545,950	
	\$14,382,800		

The Commissioner of Finance and Administration is authorized to establish 64 full-time positions and to abolish one part-time position and to allocate them to the appropriate organizational units (including 6 full-time positions to the Department of Education). At June 30, 1995, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 1995."

AND FURTHER AMEND by adding to Section 41 of the printed bill the following new items:

" Item \_\_\_\_\_. From the unexpended balances of the appropriations made under Chapter 1011, Public Acts of 1994

to the Office of the Comptroller of the Treasury in Section 1, Title III-1, Item 5 of the act, there is hereby transferred a sum not to exceed \$100,000.00 to the Office of Education Accountability. Said funds shall not revert to the general fund balance at June 30, 1995 and shall be carried forward in a reserve into the fiscal year beginning July 1, 1995.

Item \_\_\_\_\_. From the unexpended balances of the appropriations made under Section 1, Title III-21 of Chapter 1011, Public Acts of 1994, there is hereby appropriated the sum of \$145,000.00 to provide for costs associated with the development of an electronic benefits transfer system (EBT).

Item \_\_\_\_\_. From the unexpended balances of the appropriations made under Section 1, Title III-21 of this act, there is hereby appropriated a sum not to exceed \$89,617.00 to reimburse the U.T. Center for Business and Economic Research for research assistance to the Department of Finance and Administration.

Item \_\_\_\_\_. There is hereby appropriated a sum sufficient from general fund interest earnings for the purpose of funding the State of Tennessee's liability under IRS regulations for arbitrage interest earnings on proceeds from general obligation debt.

Item \_\_\_\_\_. There is hereby appropriated a sum sufficient from general fund interest earnings for the purpose of funding the state's liability for the exchange of interest with the federal government as provided for in the Cash Management Act of 1990.

Item \_\_\_\_\_. There is hereby appropriated a sum sufficient to provide for a consultant's services in review of accounts receivable management for the State of Tennessee and for the implementation of those recommendations to the extent the recommendations are approved by the Commissioner of Finance and Administration. It is the intent of the legislature that said appropriation shall be funded from revenues collected from accounts receivable. The Commissioner of Finance and Administration may establish such positions as may be required to cost-effectively implement such recommendation.

Item \_\_\_\_\_. In the fiscal year ending June 30, 1996, there is appropriated a sum sufficient to the Tennessee Housing Development Agency from funds available to the agency from reserves and taxes allocated to housing programs.

Item \_\_\_\_\_. From the appropriation to the Tennessee Ocoee Development Agency in Section 1, Title III-5, it is the legislative intent that such funding be available upon passage of this act to the Tennessee Ocoee Development Agency to the extent of private funds raised for the 1996 Olympic Whitewater Event. Such appropriation shall not revert to the general fund, but shall be carried forward into fiscal year 1995-96.

Private funds raised may include the value of in-kind goods or services donated for the Olympic Whitewater event, or pledges of funds to be received at a date subsequent to the event. The valuation of in-kind goods and services and the determination of the extent of revenue to be recognized from pledges received will be the responsibility of the Tennessee Ocoee Development Agency and the Department of Environment and Conservation, subject to approval of the Comptroller of the Treasury and the Commissioner of Finance and Administration.

Item \_\_\_\_\_. From asbestos claims recoveries there is appropriated a sum not to exceed \$25,000.00 to reimburse the Office of the Attorney General and Reporter for expenses incurred to pursue the claims. This appropriation shall be effective in each of the fiscal years ending June 30, 1995 and June 30, 1996.

Item \_\_\_\_\_. Any unexpended real estate fees collected by the real property management division in the Department of Finance and Administration shall not revert to the general fund at June 30, 1995 or at June 30, 1996 but shall be carried forward in a reserve.

Item \_\_\_\_\_. From the appropriations made in Section 1, Title III-2, Item 4 of this act to the Department of Finance and Administration, the sum of \$24,900.00 may be transferred to the National and Community Services program to match federal funds and to re-establish two (2) full-time positions.

Item \_\_\_\_\_. There is hereby appropriated a sum sufficient to the Department of Revenue to pay interest, attorney fees and other costs which are due with certain taxpayer refund payments.

Item \_\_\_\_\_. From the funds appropriated in this act to the institutions, schools and other state organizations that will be participating in the Comprehensive Food Service Program (a.k.a. Cook Chill), the Commissioner of Finance and Administration is authorized (a) to adjust the work program allotments to reflect the estimated annual savings in each participating organization, (b) to establish a pool account from those savings, (c) to cover

program phase-in costs from the pool account and (d) to reduce authorized positions in the participating organizations.

Item \_\_\_\_\_. In the fiscal year ending June 30, 1995 there is hereby appropriated a sum sufficient from departmental revenues to the Department of Mental Health and Mental Retardation to continue paying federal financial participation funds to community mental health centers which were formerly paid through Medicaid.

Item \_\_\_\_\_. In the fiscal year ending June 30, 1996 there is hereby appropriated a sum sufficient from departmental

revenues to the Department of Mental Health and Mental Retardation to pay TennCare funds to mental retardation community services programs.

Item \_\_\_\_\_. In the fiscal year ending June 30, 1996 there is appropriated a sum sufficient to the Department of Revenue from the additional revenues generated and earmarked under the provisions of the " Motor Carrier Funding and Tax Administration Act of 1993," Chapter 142, Public Acts of 1993, for the cost of development, implementation, maintenance, and operation of the Tennessee International Fuel Tax Agreement (IFTA) and Motor Carrier System Project.

Item \_\_\_\_\_. There is hereby appropriated a sum sufficient to the Department of Human Services from the earmarked funds allocated to the Domestic Violence Community Education Fund under the provisions of T.C.A., Section 36-3-616.

Item \_\_\_\_\_. To complete a reorganization of the Department of Health authorized under the provisions of Section 41, Item 47 of the 1993 Appropriations Act, the Commissioner of Finance and Administration is authorized to approve a reorganization of budgeted state positions, contract positions, and local government positions in the Department of Health. The reorganization may include establishment of 148 additional state budgeted positions and the transfer of positions and funding between appropriation items within the department.

Item \_\_\_\_\_. In addition to the appropriation made in Section 1, Title III-26, Item 3 for Highway Maintenance, and Item 5.4 for State Highway Construction in Chapter 1011, Public Acts of 1994, there is further appropriated such amount as the Commissioner of Finance and Administration shall determine is available from tax revenues allocated to the highway fund and from the highway fund balance.

Item \_\_\_\_\_. In addition to the appropriation made in Section 1, Title III-27, Item 4.2 for State Aid in this act, there is hereby appropriated an amount of \$550,000.00 to be transferred from Title III-27, Item 5.4 State Highway Construction.

Item \_\_\_\_\_. In addition to the appropriation in Section 4, Title III-26, Item 3, State Aid in this act, there is further appropriated the additional amount of \$183,000.00 for local matching requirements.

Item \_\_\_\_\_. Upon determination by the Commissioner of Transportation that a State Aid project fails to meet contract specifications and is subsequently rejected by the department, any payments made by the Department to said county shall be fully reimbursed to the Department through a reduction in that county's State Aid distribution in the fiscal year subsequent to the project rejection. Such amount as is reduced to said county shall be distributed to the highway fund balance account in the Department of Transportation.



Item \_\_\_\_\_. In addition to the appropriation made in Section 1, Title III-27, Item 5.6 Air, Water and Rail, there is appropriated a sum sufficient from earmarked revenues subject to the availability of those revenues as determined by the Commissioner of Finance and Administration.

Item \_\_\_\_\_. Positions shall be transferred from the Department of Health to the Department of Finance and Administration to support the legal, audit and fiscal functions related to TennCare. The Commissioner of Finance and Administration is further authorized to establish such additional positions as may be required to support the hearings, appeals and other administrative functions associated with TennCare. There is hereby appropriated a sum sufficient from interdepartmental revenue for such positions.

Item \_\_\_\_\_. Subject to the financial reporting requirement that the value of federal food stamps be recognized in the state's accounting system, there is hereby appropriated a sum sufficient from federal funds to recognize the value of food stamps. This appropriation is subject to approval by the Comptroller of the Treasury and the Commissioner of Finance and Administration.

Item \_\_\_\_\_. The Commissioner of Finance and Administration is authorized to transfer positions and appropriations associated with any reorganization of the Governor's Office and Executive Programs.

Item \_\_\_\_\_. There is hereby appropriated a sum sufficient to the Children's Services Plan from any accounts receivable revenue that was not recognized in closing a prior fiscal year.

Item \_\_\_\_\_. From the funds previously appropriated to the Department of Military for capital outlay purposes, the Commissioner of Finance and Administration is authorized to allocate a sum sufficient to the Oneida armory project and to the Mountain City armory project subject to matching federal funds."

AND FURTHER AMEND by adding to Section 43, Item 7 of the printed bill two additional sentences to read:

" The Commissioner of Finance and Administration shall determine what additional appropriations are intended to be funded from the general fund balance at June 30, 1995 and the reserved or designated sum shall be increased to provide for the additional non-recurring appropriations. The amount reserved or designated by the commissioner is subject to the availability of revenue at June 30, 1995."

AND FURTHER AMEND by adding a new section to the printed bill to read:

" Section \_\_\_\_\_. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it.

1. Notwithstanding any provisions of the law to the contrary, the Commissioner of Finance and Administration is authorized to establish an Electronic Benefits Transfer system in cooperation with the member states of the Southern Alliance of States.

2. Notwithstanding any provisions of the law to the contrary, the Commissioner of Finance and Administration is authorized to contract with a provider of service selected by the Southern Alliance of States or by Tennessee request for proposal (RFP).

3. Notwithstanding any provisions of the law to the contrary, the Commissioner of Finance and Administration and the Commissioner of Human Services are authorized to establish the necessary rules and policies to implement a pilot Electronic Benefits Transfer system in three counties in Tennessee."

AND FURTHER AMEND by deleting from Section 1, Title III-28 of the printed bill Item 4 and the total which read:

" 4. Amortization of Authorized and  
Unissued Construction Bonds  
27,034,000.00

Total Title III-28  
\$215,642,000.00"

and by substituting a new Item 4 and total which read:

" 4. Amortization of Authorized and  
Unissued Construction Bonds  
42,244,000.00

Total Title III-28  
\$230,852,000.00"

AND FURTHER AMEND by deleting in its entirety the final paragraph in Section 1, Title III-28 of the printed bill which reads:

" There is hereby transferred the sum of \$15,210,000.00 to the general fund from funds allocated to the debt service fund which is in addition to funds allocated for the appropriations listed above."

AND FURTHER AMEND by adding a new section to the printed bill to read:

" SECTION \_\_\_\_ . The provision of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated the following amounts which shall be in addition to the appropriations provided under Chapter 1011, Public Acts of 1994 and under Sections 1 and 38 of this act:

1994-95      1995-96

Judicial

1. Court Automation Project	\$	--	\$
630,000			

2. Judicial Performance Evaluation Staff	--	
130,000		
3. Indigent Defendants Council	--	
300,000		
Total Judicial	\$	--
\$ 1,060,000		
Agriculture		
1. Soil Conservation Districts	\$	--
95,000		
2. Youth Activities		--
43,400		
Total Agriculture	\$	--
\$ 138,400		
Correction		
1. Sentencing Act of 1985	\$	4,046,400
Economic and Community Development	--	
1. TIIP Program	\$20,000,000	\$
--		
Education		
1. BEP - 21st Century Classroom	\$	-- \$
10,000,000		
Higher Education		
1. THEC	\$	-- \$
75,000		
Labor		
1. Second Injury Fund	\$	4,500,000 \$
--		
Mental Health and Mental Retardation		
1. Mental Health and Mental Retardation Services	\$	2,000,000 \$
--		
2. Mental Health Services	--	\$
5,729,000		
Total Mental Health and Mental Retardation	\$2,000,000	
5,729,000		
Tennessee Bureau of Investigation		
1. Criminal Intelligence Unit	\$	-- \$
200,000		
2. Statistical Analysis Center	\$	--
315,000		
Total Tennessee Bureau of Investigation	\$	
-- 515,000		
Children's Services Plan		
1. Children's Services Plan	\$	--
\$ 16,000,000		
TennCare		
1. TennCare		\$16,060,800
\$ 20,578,200		
TOTAL	\$42,560,800	\$
58,142,000		

The Commissioner of Finance and Administration is authorized to allot and transfer these appropriations to the appropriate expenditure account within each department,

agency or branch of government and to adjust authorized positions accordingly. The Commissioner of Finance and Administration is further authorized to adjust federal aid and departmental revenues accordingly. Subject to the availability of revenue at June 30, 1995, any unexpended funds shall not revert to the general fund balance at June 30, 1995, but shall be carried forward to be expended in the subsequent fiscal year.

The appropriation made in the sum of seventy-five thousand dollars (\$75,000) to the Tennessee higher education commission is subject to the approval of the commissioner of finance and administration. Prior to the expenditure of the funds appropriated by this section or any other funds of the commission for salary increases, reclassifications or staff reorganization, the executive director of the commission shall submit a plan of operation to the commissioner of finance and administration for review and comment, prior to any submission to the commission."

AND FURTHER AMEND by adding a new section to the printed bill to read:

" SECTION \_\_\_\_\_. There is hereby appropriated the following non-recurring appropriations in the fiscal year beginning July 1, 1995:

- |    |   |    |
|----|---|----|
| 1. | Mental Health and Mental Retardation - Mental | \$ |
|    | 8,239,200                                     |    |
|    | Retardation Services                          |    |
| 2. | Tourist Development - Advertising             | \$ |
|    | 500,000                                       |    |
| 3. | Miscellaneous Appropriations                  |    |
|    | a.) Review of State Salary Plan               |    |
|    | \$ 200,000                                    |    |
|    | b.) Bicentennial Mall - Operating Expenses    |    |
|    | 500,000                                       |    |
|    | c.) Presidential Preference Primary           |    |
|    | 3,000,000                                     |    |
|    | Total Miscellaneous Appropriations            |    |
|    | \$ 3,700,000                                  |    |
|    | TOTAL   |    |
|    | \$12,439,200                                  |    |

The Commissioner of Finance and Administration is authorized to allot and transfer these appropriations to the appropriate expenditure account within each department, agency or branch of government and to adjust authorized positions accordingly. The Commissioner of Finance and Administration is further authorized to adjust federal aid and departmental revenues accordingly."

AND FURTHER AMEND by adding a new section to the printed bill to read:

" SECTION \_\_\_\_\_. From the amounts herein appropriated to the Department of Education in Section 1, Title III-9, Item

2.1.d, the basic education program, the sum of \$7,000,000.00 is for the purpose of making distributions during fiscal year 1995-96 to local education agencies to address teacher salary equalization concerns identified by the Tennessee Supreme Court in Tennessee Small Schools, et al. v. Ned Ray McWherter, et al. These funds shall be distributed based upon the provisions of Senate Bill 594 / House Bill 581.

AND FURTHER AMEND by deleting in their entirety items 1, 2, 3 and 4 in Section 50 of the printed bill and by renumbering Item 5 as Item 1.

AND FURTHER AMEND by deleting in their entirety items 1, 2 and 3 of Section 51 of the printed bill and by renumbering Item 4 as Item 1.

Rep. Rigsby moved to amend Amendment No. 1 as follows:

**Amendment No. 1 to Amendment No. 1**

AMEND Senate Bill No. 1820 by deleting from the language designated as H #0428 the words, figures and symbols "the sum of two hundred sixty thousand dollars (\$260,000)" and by substituting instead the following:

the sum of two hundred fifty thousand dollars  
(\$250,000)

AND FURTHER AMEND by deleting from the language designated as H #0428 the following words, figures and symbol:

Elk River Development Agency  
10,000

Rep. Rigsby moved that Amendment No. 1 to Amendment No. 1 be adopted, which motion prevailed.

Rep. Rigsby moved that Amendment No. 1, as amended, be adopted, which motion prevailed.

Rep. Bragg moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Rigsby moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 1820 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of eight million dollars (\$8,000,000) to the Board of Regents for the sole purpose of constructing a nursing and technology building at Motlow Community College.

Rep. Rhinehart moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes ..... 81  
Noes ..... 6

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sharp, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Phelan, Rigsby, Ritchie, Shirley, Stulce, Windle -- 6.

Rep. Rhinehart moved the previous question, which motion prevailed

Rep. Bittle moved that **Senate Bill No. 1820**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 85  
Noes ..... 10

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Beavers, Brooks, Brown, Buck, Coffey, Herron, Jones, S., Odom, Shirley, Turner (Shelby) -- 10.

A motion to reconsider was tabled.

#### REMARKS

Rep. Joyce requested that the following remarks be spread upon the Journal:

Let me say that my comments have nothing to do with the sponsor of this bill nor does it have anything to do with the Leadership of this House, the members of this body, or the Governor.

Everything I have done to date, my lawsuit and other matters, including these comments, have been with the knowledge before hand of Mr. Speaker Naifeh and the minority leader.

I have a problem of conscience. It is a problem with the direction this State is going with TennCare. It doesn't have anything to do with the need for health care or the need to reform Medicaid. These things are necessary. My problem with TennCare is that TennCare is so focused on the management of money and not as much in the actual delivery of care for those who are sick. Take for example the Med, a hospital in Memphis. Even though the Med is inefficient, let anyone else try to provide the services the Med does - the burn unit, the new born unit, the HIV unit and indigent care. While my heart tells me to be patient and let the part of TennCare that is working work, my conscience tells me not to set by and let the problems of TennCare go unsaid.

The concept of managed care is important. I do not have a problem with MCOs doing business in TennCare. The concept is important in Managing Care but whoever said that the private MCOs should have the entire business in TennCare. Next the SFMI and the children's plan is going into the same MCOs. They don't even want it. We are the only State in the US doing this. If this were any other department of government and it was turned over to a "private sector" like TennCare with the same results, there would be screams of bloody murder by the media, by the public and I hope by us for change.

I don't want anyone to think that all I am trying to do is be a critic. But there is something very wrong with TennCare and I believe I know what a part of "it" is.

What is wrong is that there is not sufficient oversight in the program. Since, as someone has said "the State of Tennessee is out of the Medicaid business and therefore the state is giving it to the MCOs to run, how can the state know or understand what is happening - oh yes, there are reports, but try and find them. I have pursued these reports and finally resorted to filing a lawsuit against the state for this information and I have yet to see any paperwork on this. My conclusion is all my effort is that the State somehow has got to get back into TennCare directly and make all records public. The State can't contract everything away that was in Medicaid.

The State had gone down this path for 2 reasons - first, limit the dollars, somehow and second, limit the liability. This is my whole point. Yes, we need to control cost - controlling the cost of health care is absolutely necessary, but we cannot forego the care in health care for dollars and second the State of Tennessee can never contract away the liability for health care. I say that because ultimately the State is responsible period.

Here is my dilemma - Feeling what I feel and knowing what I know, should I just sit still and do nothing or do I speak up even if it makes me unpopular, particularly with my administration.

I am here however to speak up and share my feelings - to explain my vote. What I have to say today is I cannot support the direction of TennCare any longer. We must fix what is broken before we do anything else -- anything short of just stopping TennCare as is -- right now--

and make it work before we proceed with anything else is nothing but a terrible mistake.

I cannot walk into a grocery store and look at my constituents face to face and say I support it any longer.

These are the people that matter. They are the ones who need help - they are the ones we should be listening to. They are the ones who are going to suffer if we do nothing.

I have come to realize that this debate is bigger than one small part of TennCare. The debate we have before us is very large and complicated. So large and complicated that before we proceed any further, we need to stop and digest what we have before we bite off any more. But that will never happen.

I also realize that this problem is too big for one person- let's face it, some things are too large for any one of us. But there is a time when we all know as individuals, that some things are just too important to go unsaid and nothing is too big to ignore. This is how TennCare is for me. So important that I have to say these things.

Therefore, at this hour, in this chamber, for the reasons I have tried to explain, I cannot support TN Care and any effort to put SPMI into the MCOs. This budget takes us down a road with TennCare that I believe to be a terrible mistake. However, I do plan to vote for the budget in an effort to show my cooperation with the administration. And it is my hope that this administration will fully open its doors on TennCare.

#### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 321:** Rep(s). McKee and McDaniel as prime sponsor(s).

**House Bill No. 26:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 301:** Rep(s). Huskey as prime sponsor(s).

**House Bill No. 960:** Rep(s). Halteman Harwell as prime sponsor(s).

**House Bill No. 1334:** Rep(s). West as prime sponsor(s).

#### SPONSORS REMOVED

On motion, Rep(s). Odom was/were removed as sponsor(s) of **House Bill No. 1334**.



COMMUNICATION

TO: Speaker Jimmy Naifeh  
FROM: Representative Brenda Turner  
DATE: May 24, 1995

I was excused from the attendance of session on April 24th, 26th, and 27th, due to illness. Several bills were voted on on those dates and I would like to express for the purpose of record, my votes. Had I been in the chamber I would have cast my votes as follows:

I would have voted aye on: House Bill(s) No(s). 1063, 1215, 1731, 106, 631, 1788, 490, 1078, 393, 33, 585, 1538, 550, 1086, 1649, 914, 441, 863, 1359, 971, 1190, 1782, 1528, 1335, 1872, 1860, 1880, 1879, 1292, 1531, 1856, 851, 513, 681, 1303, 1294, 343, 1510, 1615, 762, 1001, 74, 17, 598, 1160, 117, 1391, 1338, 212, 1474, 594, 828, 891, 555, 1259, 1789, 483, 651, 886 and 1465; also Senate Joint Resolution No. 58, and House Joint Resolution(s) No(s). 50 and 129.

I respectfully request that these remarks be spread upon the Journal.

Brenda Turner  
29th District

MESSAGE FROM THE SENATE  
May 24, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 34, 171, 308, 339, 778, 927, 1180, 1234, 1492, 1560, 1649, 1765, 1770, 1777, 1782 and 1867; all signed by the Speaker.  
CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
May 24, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 70, 108, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323 and 324; all signed by the Speaker.  
CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
May 24, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 38, 82, 172, 178, 181, 492, 797, 798, 1230, 1293, 1599, 1644, 1745, 1761, 1772, 1798, 1879 and 1885; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
May 24, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 389, 644, 840, 968, 1007, 1175, 1198, 1215, 1236, 1244, 1292, 1427, 1495, 1496, 1772, 1829 and 1851; also, House Joint Resolution(s) No(s). 133 and 219; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 15, 213, 214, 215, 216, 218, 219, 222, 223, 224, 225 and 231; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 24, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 233, 234, 258, 259, 266 and 267; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**May 24, 1995**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 389, 644, 840, 968, 1007, 1175, 1198, 1215, 1236, 1244, 1292, 1427, 1495, 1496, 1772, 1829 and 1851; also, House Joint Resolution(s) No(s). 70, 108, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323 and 324.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**May 24, 1995**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 34, 171, 308, 339, 778, 927, 1180, 1234, 1492, 1560, 1649, 1765, 1770, 1777, 1782 and 1867; also, House Joint Resolution(s) No(s). 133 and 219.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**  
**May 24, 1995**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 325 and 326; also, House Resolution(s) No(s). 52, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 127.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**May 24, 1995**

The Speaker signed the following: House Joint Resolution(s) No(s). 325 and 326; also, House Resolution(s) No(s). 52, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 127.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 24, 1995**

The Speaker signed the following: Senate Bill(s) No(s). 38, 82, 172, 178, 181, 492, 797, 798, 1230, 1293, 1599, 1644, 1745, 1761, 1772, 1798, 1879 and 1885; also, Senate Joint Resolution(s) No(s). 15, 213, 214, 215, 216, 218, 219, 222, 223, 224, 225, 231, 233, 234, 258, 259, 266 and 267.

**ENGROSSED BILLS**

**May 24, 1995**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 307, 1196, 1758, 1763 and 1768; also, House Joint Resolution(s) No(s). 281, 290, 301, 329, 350, 351, 352, 353, 354, 355, 356 and 357.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 808, 848, 923, 1434, 1474 and 1541; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 24, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 325 and 326; both signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 24, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 193, 279, 556, 575, 756, 780, 812, 814, 897, 1337, 1419, 1511, 1680, 1882, 1888, 1890 and 1894; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 24, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 436 and 1779.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 24, 1995**

The Speaker signed the following: Senate Bill(s) No(s). 193, 279, 556, 575, 756, 780, 812, 814, 897, 1337, 1419, 1511, 1680, 1882, 1888, 1890 and 1894.

**MESSAGE FROM THE SENATE**

May 24, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1748; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

May 24, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1733 and 1840; both passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1733** -- Election Laws -- Eliminates separate provisions for appointment of election precinct registrars and assistants for Shelby County; eliminates special provisions for filling vacancy caused by death or resignation of precinct registrar. Amends TCA 2-12-202, 206. by \*Dixon.

**Senate Bill No. 1840** -- Municipal Government -- Permits real property owners to vote in city elections in Collinwood. Amends TCA 6-20-106. by \*Wilder.

**ENGROSSED BILLS**

May 24, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 72 and 499.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 24, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 128, 581, 919, 1048, 1537, 1687.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 24, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 298, 1163, 1276, 1762, 1778 and 1895.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

May 24, 1995

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1820. The Senate nonconcurred in House Amendment(s) No(s). 1 and 3.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
May 24, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1102 and 1821; both passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 1102** -- Bond Issues -- Authorizes issuance of \$100 million bond issue for general government purposes by \*Crutchfield.

**\*Senate Bill No. 1821** -- Bond Issues -- Authorizes \$140,800,000 bond issue to fund state projects. by \*Henry, \*McNally, \*Atchley, \*Elsea, \*Wilder.

MESSAGE FROM THE SENATE  
May 24, 1995

MR. SPEAKER: I am directed to return to the House, House Bill No. 90.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment(s) No(s). 10 and 13, withdrew Amendment No. 10 and 13, adopted Amendment No. 17, refused to recede from its action in adopting Amendment(s) No(s). 6 and 9, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ANNOUNCEMENTS

REPORTS FILED

The Clerk announced that the Tennessee Black Health Care Commission submitted its Annual Report on May 22, 1995, and is on file in the Clerk's office.

The Clerk announced that the Tennessee Higher Education Committee, pursuant to House Bill No. 307 of the 98th General Assembly, submitted its report on programs to identify African American student with special talents in the Tennessee Higher Education system, and is on file in the Clerk's Office.

CONSENT CALENDAR  
May 24, 1995

The following local bills have been placed on the Consent Calendar for **May 25, 1995**: House Bill(s) No(s). 1915, 1941, 1940, 1943 and 1944.

ROLL CALL

The roll call was taken with the following results:

Present ..... 94

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

**RECESS MOTION**

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, May 25, 1995.